Political Reorientation of Japan

Report of

GOVERNMENT SECTION

Supreme Commander for the Allied Powers

APPENDICES
POLITICAL REORIENTATION OF JAPAN

Report of
Government Section
Supreme Commander for the Allied Powers

EDITORIAL NOTE CONCERNING DOCUMENTS

The texts of all basic documents pertaining to the responsibilities and effectuation of the various missions assigned to the Government Section, GHQ, SCAP, appear in a series of eight appendices. These consist of more than two hundred documents brought together as follows:

A. BASIC DOCUMENTS: specific statements, declarations, and directives which established the Allied policy and occupation of Japan;

B. ELIMINATION OF THE OLD ORDER: directives, staff memoranda, Japanese Government ordinances, and other materials relative to the establishment of a new order in Japan;

C. DOCUMENTS RELATING TO THE NEW CONSTITUTION OF JAPAN: this material includes basic constitutional drafts, memoranda for the record, exchange of correspondence, directives, and other official papers pertinent to the drafting of the new Constituion of Japan;

D. DOCUMENTS RELATING TO REORGANIZATION OF THE GOVERNMENT and

E. DOCUMENTS RELATING TO POLITICAL POLICY: *consist of a selection of official papers*, staff memoranda, staff orders, etc., pertaining to implementation of the political aspects of the new Constitution;

F. STATEMENTS BY GENERAL MacARTHUR: a selection of pertinent comments and public declarations by the Supreme Commander on important issues;

G. HISTORY OF THE GOVERNMENT SECTION, GHQ, SCAP: includes General Headquarters orders and staff memoranda affecting the functions of the Government Section and describing the administrative evolution of the Section under the General Headquarters;

H. LAWS IMPLEMENTING THE NEW CONSTITUTION: includes concrete legislative enactments and revisions of the major codes of Japan accomplished during the first three years of the Allied Occupation.

The needs of the increasing number of readers in the United States interested in Japanese affairs have been kept primarily in mind. Publication of these fundamental documents, it is hoped, will provide an historical record of the policy pursued as well as a documentary analysis of the chief political reorganizations effected in Japan during the first three years of the Allied Occupation.

Reference to these documents in the body of the work is indicated numerically in each case. Reference to other documentary material concerning basic issues, but not specifically bearing on SCAP operations, and all secondary sources are indicated in parenthesis wherever cited.

Appendix H includes the texts of laws implementing Japan's new Constitution. It was impossible, however, to include the pre-surrender versions of some of these laws or of other important legislation in force at the time the Occupation began. Texts of most of these laws would, however, be available in the archives of the Department of State or in the files of the Civil Affairs Division of the Department of the Army.

The files of the Government Section in the Headquarters of the Supreme Commander for the Allied Powers, from which documents included in the Appendices have been culled, offer a wealth of substantial factual and documentary information. In due course, it is to be hoped that a central public depository will be established in the National Archives or the Library of Congress in Washington, D. C., which will make such official documentary information readily accessible to all serious students. At present, however, much of this documentary material is available in the Civil Affairs Division, Department of the Army, which maintains records of official documents pertaining to United States policy in occupied territories.

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BASIC DOCUMENTS

THE CAIRO CONFERENCE

UNITED STATES OF AMERICA: PRESIDENT ROOSEVELT
CHINA· GENERALISSIMO CHIANG KAI-SHEK
UNITED KINGDOM: PRIME MINISTER CHURCHILL

Statement Released December 1, 1943

The several military missions have agreed upon future military operations against Japan The [illegible]

will also be expelled from all other territories which she has taken by violence and greed The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

With these objects in view, the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan.

Appendix A: 2

AGREEMENT REGARDING JAPAN

Between the Leaders of the Three Great Powers—The United States of America, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland

Signed at Yalta February 11, 1945

The leaders of the three Great Powers—the Soviet Union, the United States of America, and Great Britain—have agreed that in two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

1. The status quo in Outer-Mongolia (The Mongolian People's Republic) shall be preserved;

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

(a) the southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union;

(b) the commercial port of Dairen shall be internationalized, the preeminent interests of the Soviet Union in this port being safeguarded and the lease of Port Arthur as a naval base of the USSR restored;

(c) the Chinese-Eastern Railroad and the South-Manchurian which provides an outlet to Dairen shall be jointly operated by the establishment of a joint Soviet-Chinese Company, it being understood that the preeminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria;

3. The Kuril islands shall be handed over to the Soviet Union. It is understood, that the agreement concerning Outer-Mongolia and the ports and railroads referred to above will require concurrence of Generalissimo Chiang Kai-Shek. The President will take measures in order to obtain this concurrence on advice from Marshal Stalin.

The Heads of the three Great Powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

For its part the Soviet Union expresses its readiness to conclude with the National Government of China a pact of friendship and alliance between the USSR and China in order to render assistance to China with its armed forces for the purpose of liberating China from the Japanese yoke.

February 11, 1945.

J. Stalin,
Franklin D. Roosevelt,
Winston S. Churchill.

POTSDAM DECLARATION
PROCLAMATION BY HEADS OF GOVERNMENTS, UNITED STATES, UNITED KINGDOM, AND CHINA

July 26, 1945

(1) We—the President of the United States, the President of the National Government of the [illegible]

[illegible]

upon Japan This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist

(3) The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan The might [illegible]

[illegible] the Japanese homeland

(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason

(5) Following are our terms We will not deviate from them. There are no alternatives We shall brook no delay

(6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world

[illegible]

(9) The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives

(10) We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon [illegible]

[illegible]

the exaction of just reparations in kind, but not those which would enable her to re-arm for war To this end, access to, as distinguished from control of, raw materials shall be permitted Eventual Japanese participation in world trade relations shall be permitted

(12) The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will [illegible]

[illegible]

Appendix A: 4

JAPANESE QUALIFIED ACCEPTANCE

LEGATION DE SUISSE
Washington, D. C.

August 10, 1945.

Sir:

I have the honor to inform you that the Japanese Minister to Switzerland, upon instructions received from his Government, has requested the Swiss Political Department to advise the Government of the United States of America of the following:

"In obedience to the gracious command of his majesty the Emperor who, ever anxious to enhance the cause of world peace, desires earnestly to bring about a speedy termination of hostilities with a view to saving mankind from the calamities to be imposed upon them by further continuation of the war, the Japanese Government several weeks ago asked the Soviet Government, with which neutral relations then prevailed, to render good offices in restoring peace vis-à-vis the enemy powers. Unfortunately, these efforts in the interest of peace having failed, the Japanese Government in conformity with the august wish of His Majesty to restore the general peace and desiring to put an end to the untold sufferings entailed by war as quickly as possible, have decided upon the following:

"The Japanese Government are ready to accept the terms enumerated in the joint declaration which was issued at Potsdam on July 26th, 1945, by the heads of the Governments of the United States, Great Britain, and China. and later subscribed by the Soviet Government with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler.

"The Japanese Government sincerely hope that this understanding is warranted and desire keenly that an explicit indication to that effect will be speedily forthcoming."

In transmitting the above message the Japanese Minister added that his Government begs the Government of the United States to forward its answer through the intermediary of Switzerland. Similar requests are being transmitted to the Governments of Great Britain and the Union of Soviet Socialist Republics through the intermediary of Sweden, as well as to the Government of China through the intermediary of Switzerland. The Chinese Minister at Berne has already been informed of the foregoing through the channel of the Swiss Political Department.

Please be assured that I am at your disposal at any time to accept for and forward to my Government the reply of the Government of the United States.

Accept, Sir, the renewed assurances of my highest consideration.

The Hon. JAMES F. BYRNES,
Secretary of State.

(S) GRASSLI,
Charge d'Affaires ad interim
of Switzerland.

REPLY BY SECRETARY OF STATE TO JAPANESE QUALIFIED ACCEPTANCE

August 11, 1945

Sir

[illegible]

"With regard to the Japanese Government's message accepting the terms of the Potsdam proclamation but containing the statement, 'with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majesty as a sovereign ruler,' our position is as follows·

"From the moment of surrender the authroity of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander of the Allied Powers who will take such steps as he deems proper to effectuate the surrender terms

"The Emperor will be required to authorize and ensure the signature by the Government of Japan and the Japanese Imperial General Headquarters of the surrender terms necessary to carry out the provisions of the Potsdam Declaration, and shall issue his commands to all the Japanese military, naval and air authorities and to all the forces under their control wherever located to cease active operations and to surrender their arms, and to issue such other orders as the Supreme Commander may require to give effect to the surrender terms.

"Immediately upon the surrender the Japanese Government shall transport prisoners of war and civilian internees to places of safety, as directed, where they can quickly be placed aboard Allied transports.

"The ultimate form of government of Japan shall, in accordance with the Potsdam declaration, be established by the freely expressed will of the Japanese people.

"The armed forces of the Allied Powers will remain in Japan until the purposes set forth in the Potsdam declaration are achieved "

Accept, Sir, the renewed assurances of my highest consideration.

MR MAX GRASSLI
Charge d'Affaires ad interim of Switzerland

Appendix A: 6

IMPERIAL RESCRIPT BY HIROHITO, EMPEROR OF JAPAN, PRIOR TO THE SIGNING OF THE SURRENDER INSTRUMENT.

Tokyo, September 2, 1945.

Accepting the terms set forth in Declaration issued by the heads of the Governments of the United States, Great Britain, and China on July 26th, 1945, at Potsdam and subsequently adhered to by the Union of Soviet Socialist Republics, We have commanded the Japanese Imperial Government and the Japanese Imperial General Headquarters to sign on Our behalf the Instrument of Surrender presented by the Supreme Commander for the Allied Powers and to issue General Orders to the Military and Naval Forces in accordance with the direction of the Supreme Commander for the Allied Powers. We command all Our people forthwith to cease hostilities, to lay down their arms and faithfully to carry out all the provisions of Instrument of Surrender and the General Orders issued by the Japanese Imperial Government and the Japanese Imperial General Headquarters hereunder.

FINAL JAPANESE ACCEPTANCE

LEGATION DE SUISSE
WASHINGTON, D C

August 14, 1945

Sir

I have the honor to refer to your note of August 11, in which you requested me to transmit to [illegible]

written statement to the Swiss Government for transmission to the four Allied Governments

"Communication of the Japanese Government of August 14, 1945, addressed to the Governments of the United States, Great Britain, the Soviet Union, and China

"With reference to the Japanese Government's note of August 10 regarding their acceptance of the provisions of the Potsdam declaration and the reply of the Governments of the United States, Great Britain, the Soviet Union, and China sent by American Secretary of State Byrnes under the date of August 11, the Japanese Government have the honor to communicate to the Governments of the four powers as follows.

"1 His Majesty the Emperor has issued an Imperial rescript regarding Japan's acceptance of the provisions of the Potsdam declaration.

"2 His Majesty the Emperor is prepared to authorize and ensure the signature by his Government and the Imperial General Headquarters of the necessary terms for carrying out the provisions of the Potsdam declaration His Majesty is also prepared to issue his commands to all the military, naval and air authorities of Japan and all the forces under their control wherever located to cease active operations, to surrender arms and to issue such other orders as may be required by the Supreme Commander of the Allied Forces for the execution of the above-mentioned terms"

Accept, Sir, the renewed assurance of my highest consideration

The Hon James F Byrnes,
Secretary of State

Grassli,
Charge d'Affaires ad interim of Switzerland

Appendix A: 8

SECRETARY OF STATE BYRNES' REPLY OF AUGUST 14, 1945

August 14, 1945.

Sir:

With reference to your communication of today's date, transmitting the reply of the Japanese Government to the communication which I sent through you to the Japanese Government on August 11, on behalf of the Governments of the United States, China, the United Kingdom, and the Union of Soviet Socialist Republics, which I regard as full acceptance of the Potsdam Declaration and of my statement of August 11, 1945, I have the honor to inform you that the President of the United States has directed that the following message be sent to you for transmission to the Japanese Government:

"You are to proceed as follows:

"(1) Direct prompt cessation of hostilities by Japanese forces, informing the Supreme Commander for the Allied Powers of the effective date and hour of such cessation.

"(2) Send emissaries at once to the Supreme Commander for the Allied Powers with information of the disposition of the Japanese forces and commanders, and fully empowered to make any arrangements directed by the Supreme Commander for the Allied Powers to enable him and his accompanying forces to arrive at the place designated by him to receive the formal surrender.

"(3) For the purpose of receiving such surrender and carrying it into effect, General of the Army Douglas MacArthur has been designated as the Supreme Commander for the Allied Powers, and he will notify the Japanese Government of the time, place and other details of the formal surrender."

Accept, Sir, the renewed assurance of my highest consideration.

JAMES F. BYRNES,
Secretary of State.

MAX GRASSLI, ESQ.
Charge d'Affaires ad interim of Switzerland.

INSTRUMENT OF SURRENDER

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and [illegible]

powers are hereafter referred to as the Allied Powers

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representatives of the Allied Powers for the purpose of giving effect to that Declaration

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan at 0904 on the Second day of September, 1945.

(S) Mamoru Shigemitsu,
By Command and in behalf of the Emperor of Japan and the Japanese Government

(S) Yoshijiro Umezu,
By Command and in behalf of the Japanese Imperial General Headquarters.

Accepted at Tokyo Bay, Japan at 0908 on the Second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

(S) Douglas MacArthur,
Supreme Commander for the Allied Powers.

(S) C. W. Nimitz,
United States Representative.

(S) Hsu Yung-Chang,
Republic of China Representative.

(S) Bruce Fraser,
United Kingdom Representative.

(S) Lieutenant General K Derevyanko,
Union of Soviet Socialist Republics Representative.

(S) T. A. BLAMEY,
Commonwealth of Australia Representative.
(S) L. MOORE COSGROVE,
Dominion of Canada Representative.
(S) LE CLERC,
Provisional Government of the French Republic Representative.
(S) C. E. L. HELFRICH,
Kingdom of the Netherlands Representative.
(S) LEONARD M. ISITT,
Dominion of New Zealand Representative.

AGREEMENT OF FOREIGN MINISTERS AT MOSCOW ON ESTABLISHING FAR EASTERN COMMISSION AND ALLIED COUNCIL FOR JAPAN

December 27, 1945

consultation between them At the meeting of the three Foreign Ministers, discussion took place on an informal and exploratory basis and agreement was reached on

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FAR EASTERN COMMISSION AND ALLIED COUNCIL FOR JAPAN

A Far Eastern Commission

Agreement was reached, with the concurrence of China, for the establishment of a Far Eastern Commission to take the place of the Far Eastern Advisory Commission The Terms of Reference for the Far Eastern Commission are as follows

I Establishment of the Commission

A Far Eastern Commission is hereby established composed of the representatives of the Union of Soviet Socialist Republics, United Kingdom, United States, China, France, The Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth

II Functions

A The functions of the Far Eastern Commission shall be

[illegible]

for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission

3 To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance with the voting procedure provided for in Article V-2 hereunder

B The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments

C The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander s command of occupation forces

III Functions of the United States Government

1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission

2 If the Commission decides that any directive or action reviewed in accordance with Article II-A-2 should be modified, its decision shall be regarded as a policy decision

3 The United States Government may issue interim directives to the Supreme Commander pend- [illegible]

agreement in the Far Eastern Commission.

4 All directives issued shall be filed with the Commission.

IV Other Methods of Consultation

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments

V Composition

1 The Far Eastern Commission shall consist of one representative of each of the States party to this agreement The membership of the Commission may be increased by agreement among the par-

(S) T. A. Blamey,
Commonwealth of Australia Representative.
(S) L. Moore Cosgrove,
Dominion of Canada Representative.
(S) Le Clerc,
Provisional Government of the French Republic Representative.
(S) C. E. L. Helfrich,
Kingdom of the Netherlands Representative.
(S) Leonard M. Isitt,
Dominion of New Zealand Representative.

AGREEMENT OF FOREIGN MINISTERS AT MOSCOW ON ESTABLISHING FAR EASTERN COMMISSION AND ALLIED COUNCIL FOR JAPAN

December 27, 1945

The Foreign Ministers of the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America met in Moscow from December 16 to December 26, 1945, in accordance with the decision of the Crimea Conference, confirmed at the Berlin Conference, that there should be periodic consultation between them At the meeting of the three Foreign Ministers, discussion took place on an informal and exploratory basis and agreement was reached on

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II Functions

A The functions of the Far Eastern Commission shall be

1 To formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished

2 To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission

3 To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance with the voting procedure provided for in Article V-2 hereunder

B The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments

C The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces

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1 The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission

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agreement in the Far Eastern Commission

4 All directives issued shall be filed with the Commission

IV Other Methods of Consultation

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments

V Composition

1 The Far Eastern Commission shall consist of one representative of each of the States party to this agreement The membership of the Commission may be increased by agreement among the par-

ticipating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. The Commission shall provide for full and adequate consultations, as occasion may require, with representatives of the United Nations not members of the Commission in regard to matters before the Commission which are of particular concern to such nations.

2. The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.

VI. Location and Organization

1. The Far Eastern Commission shall have its headquarters in Washington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so. It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers.

2. Each representative on the Commission may be accompanied by an appropriate staff comprising both civilian and military representation.

3. The Commission shall organize its secretariat, appoint such committees as may be deemed advisable, and otherwise perfect its organization and procedure.

VII. Termination

The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China. Prior to the termination of its functions the Commission shall transfer to any interim or permanent security organization of which the participating governments are members those functions which may appropriately be transferred.

It was agreed that the Government of the United States on behalf of the four Powers should present the Terms of Reference to the other Governments specified in Article I and invite them to participate in the Commission on the revised basis.

B. Allied Council for Japan

The following agreement was also reached, with the concurrence of China, for the establishment of an Allied Council for Japan:

1. There shall be established an Allied Council with its seat in Tokyo under the chairmanship of the Supreme Commander for the Allied Powers (or his Deputy) for the purpose of consulting with and advising the Supreme Commander in regard to the implementation of the Terms of Surrender, the occupation and control of Japan, and of directives supplementary thereto; and for the purpose of exercising the control authority herein granted.

2. The membership of the Allied Council shall consist of the Supreme Commander (or his Deputy) who shall be Chairman and United States member; a Union of Soviet Socialist Republics member; a Chinese member; and a member representing jointly the United Kingdom, Australia, New Zealand, and India.

3. Each member shall be entitled to have an appropriate staff consisting of military and civilian advisers.

4. The Allied Council shall meet not less often than once every two weeks.

5. The Supreme Commander shall issue all orders for the implementation of the Terms of Surrender, the occupation and control of Japan, and directives supplementary thereto. In all cases action will be carried out under and through the Supreme Commander who is the sole executive authority for the Allied Powers in Japan. He will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling.

6. If, regarding the implementation of policy decisions of the Far Eastern Commission on questions concerning a change in the regime of control, fundamental changes in the Japanese constitutional structure, and a change in the Japanese Government as a whole, a member of the Council disagrees with the Supreme Commander (or his Deputy), the Supreme Commander will withhold the issuance of orders on these questions pending agreement thereon in the Far Eastern Commission.

7. In cases of necessity the Supreme Commander may take decisions concerning the change of individual Ministers of the Japanese Government, or concerning the filling of vacancies created by the resignation of individual cabinet members, after appropriate preliminary consultation with the representatives of the other Allied Powers on the Allied Council.

UNITED STATES INITIAL POST-SURRENDER POLICY FOR JAPAN[1]

August 29, 1945

Purpose of This Document

his document is a statement of general initial policy ting to Japan after surrender It has been approved the President and distributed to the Supreme Com- der for the Allied Powers and to appropriate U. S artments and agencies for their guidance. It does not deal with all matters relating to the occupation o Japan requiring policy determinations Such matters a are not included or are not fully covered herein have bee or will be dealt with separately

Part I—Ultimate Objectives

he ultimate objectives of the United States in regard apan, to which policies in the initial period must form, are.

a) To insure that Japan will not again become a men- e to the United States or to the peace and security of world.

[illegible]

es of the Charter of the United Nations The United tes desires that this government should conform as sely as may be to principles of democratic self-govern- nt but it is not the responsibility of the Allied Powers mpose upon Japan any form of government not sup- ted by the freely expressed will of the people.

These objectives will be achieved by the following ncipal means.

a) Japan's sovereignty will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such mino outlying islands as may be determined, in accordanc with the Cairo Declaration and other agreements t which the United States is or may be a party

(b) Japan will be completely disarmed and demili tarized The authority of the militarists and the in fluence of militarism will be totally eliminated from he political, economic, and social life Institutions expres sive of the spirit of militarism and aggression will b vigorously suppressed.

(c) The Japanese people shall be encouraged to de velop a desire for individual liberties and respect fo fundamental human rights, particularly the freedoms o religion, assembly, speech, and the press. They shal also be encouraged to form democratic and representa tive organizations

(d) The Japanese people shall be afforded opportunit to develop for themselves an economy which will perm the peacetime requirements of the population to be met

Part II—Allied Authority

1 Military Occupation

There will be a military occupation of the Japanese me islands to carry into effect the surrender terms and ther the achievement of the ultimate objectives stated ve The occupation shall have the character of an ration in behalf of the principal Allied powers acting the interests of the United Nations at war with an For that reason, participation of the forces of er nations that have taken a leading part in the war inst Japan will be welcomed and expected The upation forces will be under the command of a preme Commander designated by the United States

Although every effort will be made, by consultation by constitution of appropriate advisory bodies, to ablish policies for the conduct of the occupation and control of Japan which will satisfy the principal ied powers, in the event of any differences of opinion ong them, the policies of the United States will vern

2 Relationship to Japanese Government

The authority of the Emperor and the Japanese Gov ernment will be subject to the Supreme Commander, wh will possess all powers necessary to effectuate the sur render terms and to carry out the policies established fo the conduct of the occupation and the control of Japan

In view of the present character of Japanese society and the desire of the United States to attain its objective with a minimum commitment of its forces and resources the Supreme Commander will exercise his authority through Japanese governmental machinery and agencies including the Emperor, to the extent that this satisfac torily furthers United States objectives The Japanes Government will be permitted, under his instructions, t exercise the normal powers of government in matters o domestic administration This policy, however, will b subject to the right and duty of the Supreme Commande to require changes in governmental machinery or per sonnel or to act directly if the Emperor or other Japanes

[1] Prepared jointly by the Department of State, the War Department, and the Navy Department and approved by the President on Sept 6, 1945 document in substance was sent to General MacArthur by radio on Aug 29 and, after approval by the President, by messenger on Sept 6

authority does not satisfactorily meet the requirements of the Supreme Commander in effectuating the surrender terms. This policy, moreover, does not commit the Supreme Commander to support the Emperor or any other Japanese governmental authority in opposition to evolutionary changes looking toward the attainment of United States objectives. The policy is to use the existing form of Government in Japan, not to support it. Changes in the form of Government initiated by the Japanese people or government in the direction of modifying its feudal and authoritarian tendencies are to be permitted and favored. In the event that the effectuation of such changes involves the use of force by the Japanese people or government against persons opposed thereto, the Supreme Commander should intervene only where necessary to ensure the security of his forces and the attainment of all other objectives of the occupation.

3. Publicity as to Policies

The Japanese people, and the world at large, shall be kept fully informed of the objectives and policies of the occupation, and of progress made in their fulfillment.

Part III—Political

1. Disarmament and Demilitarization

Disarmament and demilitarization are the primary tasks of the military occupation and shall be carried out promptly and with determination. Every effort shall be made to bring home to the Japanese people the part played by the military and naval leaders, and those who collaborated with them in bringing about the existing and future distress of the people.

Japan is not to have an army, navy, air force, secret police organization, or any civil aviation. Japan's ground, air and naval forces shall be disarmed and disbanded and the Japanese Imperial General Headquarters, the General Staff and all secret police organizations shall be dissolved. Military and naval matériel, military and naval vessels and military and naval installations, and military, naval and civilian aircraft shall be surrendered and shall be disposed of as required by the Supreme Commander.

High officials of the Japanese Imperial General Headquarters, and General Staff, other high military and naval officials of the Japanese Government, leaders of ultra-nationalist and militarist organizations and other important exponents of militarism and aggression will be taken into custody and held for future disposition. Persons who have been active exponents of militarism and militant nationalism will be removed and excluded from public office and from any other position of public or substantial private responsibility. Ultra-nationalistic or militaristic social, political, professional and commercial societies and institutions will be dissolved and prohibited.

Militarism and ultra-nationalism, in doctrine and practice, including para-military training, shall be eliminated from the educational system. Former career military and naval officers, both commissioned and non-commissioned, and all other exponents of militarism and ultra-nationalism shall be excluded from supervisory and teaching positions.

2. War Criminals

Persons charged by the Supreme Commander or appropriate United Nations agencies with being war criminals, including those charged with having visited cruelties upon United Nations prisoners or other nationals, shall be arrested, tried and, if convicted, punished. Those wanted by another of the United Nations for offenses against its nationals, shall, if not wanted for trial or as witnesses or otherwise by the Supreme Commander, be turned over to the custody of such other nation.

3. Encouragement of Desire for Individual Liberties and Democratic Processes

Freedom of religious worship shall be proclaimed promptly on occupation. At the same time it should be made plain to the Japanese that ultra-nationalistic and militaristic organizations and movements will not be permitted to hide behind the cloak of religion.

The Japanese people shall be afforded opportunity and encouraged to become familiar with the history, institutions, culture, and the accomplishments of the United States and the other democracies. Association of personnel of the occupation forces with the Japanese population should be controlled, only to the extent necessary, to further the policies and objectives of the occupation.

Democratic political parties, with rights of assembly and public discussion, shall be encouraged, subject to the necessity for maintaining the security of the occupying forces.

Laws, decrees and regulations which establish discriminations on ground of race, nationality, creed or political opinion shall be abrogated; those which conflict with the objectives and policies outlined in this document shall be repealed, suspended or amended as required; and agencies charged specifically with their enforcement shall be abolished or appropriately modified. Persons unjustly confined by Japanese authority on political grounds shall be released. The judicial, legal, and police systems shall be reformed as soon as practicable to conform to the policies set forth in Articles 1 and 3 of this Part III and thereafter shall be progressively influenced, to protect individual liberties and civil rights.

Part IV—Economic

1. Economic Demilitarization

The existing economic basis of Japanese military strength must be destroyed and not be permitted to revive.

Therefore, a program will be enforced containing the

following elements, among others, the immediate cessation and future prohibition of production of all goods *designed for the equipment, maintenance, or use of any* military force or establishment, the imposition of a ban upon any specialized facilities for the production or repair of implements of war, including naval vessels and all forms of aircraft, the institution of a system of inspection and control over selected elements in Japanese economic activity to prevent concealed or disguised military preparation, the elimination in Japan of those selected industries or branches of production whose chief value to Japan is in preparing for war, the prohibition of specialized research and instruction directed to the development of war-making power, and the limitation of the size and character of Japan's heavy industries to its future peaceful requirements, and restriction of Japanese merchant shipping to the extent required to accomplish the objectives of demilitarization

The eventual disposition of those existing production facilities within Japan which are to be eliminated in [illegible] except in emergency situations

2 Promotion of Democratic Forces

Encouragement shall be given and favor shown to the development of organizations in labor, industry, and agriculture, organized on a democratic basis Policies shall be favored which permit a wide distribution of income and of the ownership of the means of production and trade

Those forms of economic activity, organization and leadership shall be favored that are deemed likely to strengthen the peaceful disposition of the Japanese people, and to make it difficult to command or direct economic activity in support of military ends

To this end it shall be the policy of the Supreme Commander

(a) To prohibit the retention in or selection for places of importance in the economic field of individuals who do not direct future Japanese economic effort solely towards peaceful ends, and

(b) [illegible]

3 Resumption of Peaceful Economic Activity

The policies of Japan have brought down upon the people great economic destruction and confronted them with the prospect of economic difficulty and suffering The plight of Japan is the direct outcome of its own behavior, and the Allies will not undertake the burden of repairing the damage It can be repaired only if the Japanese people renounce all military aims and apply themselves diligently and with single purpose to the ways of peaceful living It will be necessary for them to undertake physical reconstruction, deeply to reform the nature and direction of their economic activities and institutions, and to find useful employment for their people along lines adapted to and devoted to peace The Allies have no intention of imposing conditions which would prevent the accomplishment of these tasks in due time

Japan will be expected to provide goods and services to meet the needs of the occupying forces to the extent that this can be effected without causing starvation, widespread disease and acute physical distress

The Japanese authorities will be expected, and if neces- [illegible] able supplies

(c) To meet the requirements for reparations deliveries agreed upon by the Allied Governments

(d) To facilitate the restoration of Japanese economy so that the reasonable peaceful requirements of the population can be satisfied

In this connection, the Japanese authorities on their own responsibility shall be permitted to establish and administer controls over economic activities, including essential national public services, finance, banking, and production and distribution of essential commodities, subject to the approval and review of the Supreme Commander in order to assure their conformity with the objectives of the occupation

4 Reparations and Restitution

Reparations

[illegible]

(b) Through the transfer of such goods or existing capital equipment and facilities as are not necessary for a peaceful Japanese economy or the supplying of the occupying forces Exports other than those directed to be shipped on reparation account or as restitution may be made only to those recipients who agree to provide necessary imports in exchange or agree to pay for such exports in foreign exchange No form of reparation shall be exacted which will interfere with or prejudice the program for Japan's demilitarization.

Restitution

Full and prompt restitution will be required of all identifiable looted property.

5 Fiscal, Monetary, and Banking Policies

The Japanese authorities will remain responsible for the management and direction of the domestic fiscal, monetary, and credit policies subject to the approval and review of the Supreme Commander

6. International Trade and Financial Relations

Japan shall be permitted eventually to resume normal trade relations with the rest of the world. During occupation and under suitable controls, Japan will be permitted to purchase from foreign countries raw materials and other goods that it may need for peaceful purposes, and to export goods to pay for approved imports.

Control is to be maintained over all imports and exports of goods, and foreign exchange and financial transactions. Both the policies followed in the exercise of these controls and their actual administration shall be subject to the approval and supervision of the Supreme Commander in order to make sure that they are not contrary to the policies of the occupying authorities, and in particular that all foreign purchasing power that Japan may acquire is utilized only for essential needs.

7. Japanese Property Located Abroad

Existing Japanese external assets and existing Japanese assets located in territories detached from Japan under the terms of surrender, including assets owned in whole or part by the Imperial Household and Government, shall be revealed to the occupying authorities and held for disposition according to the decision of the Allied authorities.

8. Equality of Opportunity for Foreign Enterprise Within Japan

The Japanese authorities shall not give, or permit any Japanese business organization to give, exclusive or preferential opportunity or terms to the enterprise of any foreign country, or cede to such enterprise control of any important branch of economic activity.

9. Imperial Household Property

Imperial Household property shall not be exempted from any action necessary to carry out the objectives of the occupation.

Appendix A 12

AUTHORITY OF GENERAL MACARTHUR AS SUPREME COMMANDER FOR THE ALLIED POWERS

September 6, 1945

The text of a message transmitted on September 6 through the Joint Chiefs of Staff to General MacArthur follows It was prepared jointly by the Department of State, the War Department, and the Navy Department and approved by the President on September 6 The message is a statement clarifying the authority which General MacArthur is to exercise in his position as Supreme Commander for the Allied powers.

"1 The authority of the Emperor and the Japanese Government to rule the State is subordinate to you as Supreme Commander for the Allied powers You will exercise your authority as you deem proper to carry out your mission Our relations with Japan do not rest on a contractual basis, but on an unconditional surrender. Since your authority is supreme, you will not entertain any question on the part of the Japanese as to its scope

"2 Control of Japan shall be exercised through the Japanese Government to the extent that such an arrangement produces satisfactory results This does not prejudice your right to act directly if required You may enforce the orders issued by you by the employment of such measures as you [illegible]

Appendix A: 13

J.C.S. 1380/15
3 November 1945

Joint Chiefs of Staff

BASIC DIRECTIVE FOR POST-SURRENDER MILITARY GOVERNMENT IN JAPAN PROPER

References: *a*. J.C.S. 1380/5
b. J.C.S. 1380/8
c. J.C.S. 1380/12
d. J.C.S. 1380/14

Note by the Secretaries

The enclosed basic directive for post-surrender military government in Japan proper which has been approved by the State-War-Navy Coordinating Committee and concurred in by the Joint Chiefs of Staff is being forwarded to the Supreme Commander for the Allied Powers with information copies to the Commander in Chief, U. S. Pacific Fleet; Commander in Chief, U. S. Army Forces, Pacific; and the Commanding General U. S. Forces, China Theater.

A. J. McFarland,
C. J. Moore,
Joint Secretariat.

JCS 1380/15

Inclosure

BASIC INITIAL POST-SURRENDER DIRECTIVE TO SUPREME COMMANDER FOR THE ALLIED POWERS FOR THE OCCUPATION AND CONTROL OF JAPAN

1 *The Purpose and Scope of This Directive*

a This directive defines the authority which you will possess and the policies which will guide you in the occupation and control of Japan in the initial period after surrender

b Japan, as used in this directive, is defined to include The four main islands of Japan Hokkaido (Yezo), Honshu, Kyushu and Shikoku and about 1,000 smaller adjacent islands including the Tsushima Islands

c This directive is divided in Part I General and Political, Part II Economic and Civilian Supply and Part III Financial

Part I—General and Political

2 *The Basis and Scope of Military Authority*

The basis of your power and authority over Japan is the directive signed by the President of the United States designating you as Supreme Commander for the Allied Powers (SWNCC 21/6 (J.C S 1467)) and the Instrument of Surrender (SWNCC 21/6 (Annex "4" to J C S 1380/5)), executed by command of the Emperor of Japan (SWNCC 21/6 (Annex "B" to J C S 1380/5)) These documents, in turn are based upon the Potsdam Declaration of 26 July 1945 (SWNCC 149/1 (Annex "C" to J C S 1380/5)), the reply of the Secretary of State on 11 August 1945 to the Japanese communication of documents your authority over Japan, as Supreme Commander for the Allied Powers, is supreme for the purpose of carrying out the surrender In addition to the conventional powers of a military occupant of enemy territory, you have the power to take any steps deemed advisable and proper by you to effectuate the surrender and the provisions of the Potsdam Declaration It is contemplated, however, that unless you deem it necessary, or are instructed to the contrary you will not establish direct military government, but will exercise your powers so far as compatible with the accomplishment of your mission through the Emperor of Japan or the Japanese Government. In the exercise of your powers you will be guided by the following general principles

3 *Basic Objectives of Military Occupation of Japan*

a The ultimate objective of the United Nations with respect to Japan is to foster conditions which will give the greatest possible assurance that Japan will not again become a menace to the peace and security of the world and will permit her eventual admission as a responsible and peaceful member of the family of nations Certain measures considered to be essential for the achievement of this objective have been set forth in the Potsdam Declaration These measures, include, among others, the carrying out of the Cairo Declaration and the limiting of Japanese sovereignty to the four main islands and such minor islands as the Allied Powers determine, the abolition of militarism and ultra-nationalism in all their forms, the disarmament and demilitarization of Japan, with continuing control over Japan's capacity to make war, the strengthening of democratic tendencies and processes in governmental, economic, and social institutions, and the encouragement and support of liberal political tendencies in Japan. The United States desires that the Japanese Government conform as closely as may be to principles of democratic self-government, but it is not the responsibility of the occupation forces to impose on Japan any form of government not supported by the freely expressed will of the people

b As Supreme Commander for the Allied Powers your mission will be to assure that the surrender is vigorously enforced and to initiate appropriate action to achieve the objectives of the United Nations.

c. This directive does not purport finally to formulate long-term policies concerning the treatment of Japan in the post-war world, nor does it seek to prescribe in detail the measures which you are to take throughout the period of your occupation of Japan in the effort to give effect to the surrender and the Potsdam Declaration Those policies and the appropriate measures for their fulfillment will in large measure be determined by developing circumstances in Japan It is, therefore, essential that surveys dealing with economic, industrial, financial, social and political conditions in Japan be constantly maintained by you and made available to your government These surveys should be developed in such a manner as to form the basis for effecting modifications in the initial measures of control set forth herein as well as for the progressive formulation of policies to promote the ultimate objectives of the United Nations Supplemental directives will be issued to you through the Joint Chiefs of Staff as may be required

4 *The Establishment of Military Authority over Japan*

a Immediately upon the surrender of Japan you will require the Emperor, the Japanese Government and the Japanese Imperial General Headquarters to issue orders to all the armed forces of Japan and all armed forces under Japanese control to cease hostilities and to surrender their arms and to issue such other orders as may be required to give effect to the instrument of surrender and the policies set forth in the Potsdam Declaration. You will require the Emperor and the Japanese Government to take all necessary steps to assure that all orders issued to effectu-

ate the objectives of your mission are promptly and fully complied with by all persons in Japan.

b. You will occupy the Imperial capital of Tokyo, and the capitals of such prefectures as you deem necessary in order to facilitate your control over the Japanese Government. You will also occupy such strategic places as you may deem necessary. Otherwise you should not occupy any part of Japan unless it becomes essential to impose direct military government therein. However, you may temporarily utilize your forces in any area of Japan as may be required for the fulfillment of your mission. Subject to the provisions of subparagraph 4 c below, you will take prompt action to assure the restoration and maintenance of law and order by Japanese authorities or by your forces, if necessary.

c. Where action is necessary in order to carry out the surrender, you have the right to act directly from the outset. Otherwise, subject always to your right as the Supreme Commander to take direct action in the event of the unwillingness or failure of the Emperor or other Japanese authority to act effectively, you will exercise your supreme authority through the Emperor and Japanese governmental machinery, national and local. The policy is to use the existing form of government in Japan, not to support it. Changes in the direction of modifying the feudal and authoritarian tendencies of the government are to be permitted and favored. In the event that the effectuation of such changes involves the use of force by the Japanese people or government against persons opposed thereto, you as Supreme Commander should intervene only where necessary to ensure the security of your forces and the attainment of all other objectives of the occupation. You may, as circumstances require, exercise your supreme power and authority in the fullest measure including the imposition of direct military government. If it becomes necessary to impose direct military government in any part of Japan, you will immediately thereafter advise the Joint Chiefs of Staff. You will not remove the Emperor or take any steps toward his removal without prior consultation with and advice issued to you through the Joint Chiefs of Staff.

d. You will take appropriate steps in Japan to effect the complete governmental and administrative separation from Japan of (1) all Pacific islands which she has seized or occupied under mandate or otherwise since the beginning of the World War in 1914, (2) Manchuria, Formosa and the Pescadores, (3) Korea, (4) Karafuto, and (5) such other territories as may be specified in future directives.

e. By appropriate means you will make clear to all levels of the Japanese population the fact of their defeat. They must be made to realize that their suffering and defeat have been brought upon them by the lawless and irresponsible aggression of Japan, and that only when militarism has been eliminated from Japanese life and institutions will Japan be admitted to the family of nations. They must be told that they will be expecte[d to] develop a nonmilitaristic and democratic Japan wh[ich] will respect the rights of other nations and Japan's in[ter]national obligations. You will make it clear that m[ili]tary occupation of Japan is effected in the interests of [the] United Nations and is necessary for the destruction [of] Japan's power of aggression and her war potential [and] for the elimination of militarism and militaristic inst[itu]tions which have brought disaster on the Japanese. W[ith] this end in view, and to insure the security of the troo[ps,] a policy of nonfraternization may be applied in Japa[n] and to the extent that you may deem it to be desira[ble.] Your officers and troops, however, should so treat [the] Japanese population as to develop confidence in the Uni[ted] States and the United Nations and their representativ[es.]

f. You will require the Emperor to abrogate [all] laws, ordinances, decrees and regulations which wo[uld] prejudice the achievement of the objectives set forth [in] the Potsdam Declaration or which conflict with the [in]strument of surrender or with directives which may [be] issued to you through the Joint Chiefs of Staff. Y[ou] will, in particular, assure the abrogation of all laws, [or]ders and regulations which established and maintain[ed] restrictions on political and civil liberties and discrim[i]nations on grounds of race, nationality, creed or politic[al] opinion. Agencies or parts of agencies charged spec[if]ically with the execution of legislation abrogated or [to] be abrogated shall be abolished immediately.

g. You will establish such military courts as m[ay] be necessary with jurisdiction over offenses against t[he] forces of occupation and over such other matters as a[re] consistent with the implementation of the surrend[er.] You will, however, except as otherwise deemed nec[es]sary by you assure that Japanese courts exercise [an] effective jurisdiction over cases not of direct and p[re]dominant concern to the security of your troops.

h. Representatives of civilian agencies of the Unit[ed] States Government or of other United Nations gover[n]ments shall not participate in the occupation or fun[c]tion independently within Japan except upon yo[ur] approval, and subject, as to purpose, time and extent, [to] decisions communicated to you by the Joint Chiefs [of] Staff.

5. *Political and Administrative Reorganization.*

a. Local, regional and national agencies of gover[n]mental administration, excluding those with functio[ns] and responsibilities inconsistent with the purposes of t[he] occupation will be permitted to continue to functio[n] after the removal of officials who are unacceptable as d[e]scribed in paragraph 5 h below, or who are ascertaine[d] to be unreliable. Such agencies and their personnel wi[ll] be held responsible for the administration of governme[nt] and will be charged with the execution of your polici[es] and directives. At all times, however, and in all ci[r]cumstances you are empowered yourself to take dire[ct] action if and to the extent that Japanese authorities fa[il]

satisfactorily to carry out your instructions.

b Except as indicated in paragraph 7 c below, in no circumstances will persons be allowed to hold public office or any other positions of responsibility or influence in public or important private enterprise who have been active exponents of militant nationalism and aggression, who have been influential members of any Japanese [illegible] objectives of the military occupation.

c You will assure that at all times, so long as the present form of government is retained, the posts of Lord Privy Seal, Privy Council, Prime Minister and Cabinet members are held only by persons who may be relied upon to further the purposes of your mission. You will require the immediate abolition of the Ministry of Greater East Asia but may retain such of its machinery and personnel as may be necessary to carry out the sepa- [illegible]

d Local Responsibility for the local enforcement of national policy will be encouraged

e Ordinary criminal and civil courts in Japan will be permitted to continue to function subject to such regulations, supervision and control as you may determine As rapidly as possible, judges and other court personnel who are unacceptable under the provisions of paragraph 5 b above will be removed Such officials will be replaced with acceptable and qualified successors. Full power of review will be retained by you over all courts which are allowed to function. You will veto all decisions which are inconsistent with the purpose of your mission You will take all practicable measures to cause the release of persons held in custody solely under laws or regulations of the type to be abrogated under paragraph 4 f above

f Criminal and ordinary police agencies, and such others as you may consider proper to be retained under appropriate supervision, must be purged of undependable and undesirable elements, in particular, of members of ultra-nationalistic, terroristic and secret patriotic societies

g Throughout Japan you will assure the dissolution of the Political Associations of Great Japan, the Imperial Rule Assistance Association (Taisei Yokusankai), the Imperial Rule Assistance Political Society (Taisei Seijikai), their affiliates and agencies or any successor organizations, and all Japanese ultra-nationalistic, terroristic and secret patriotic societies and their agencies and affiliates

h You will direct the Japanese Government to recall such Japanese diplomatic and consular officials and other agents abroad as the Department of State may request through the Joint Chiefs of Staff You will also direct the Japanese Government to arrange for the turning over to the custody of properly accredited representatives of the Allied governments of archives and property of Japanese diplomatic and consular establishments for [illegible]

If there is any doubt as to the public status of any property (e g , property of quasi-official companies or of [illegible] action necessary to carry out the objectives set forth in this directive

6 *Demilitarization*

a You will assure that all units of the Japanese armed forces including the Gendarmerie (Kempei) (but not the civil police), Civilian Volunteer Corps, and all para-military organizations are promptly disarmed [illegible] be made against any inequitable treatment of or disabilities against any member of the Japanese armed forces [illegible] shals and Fleet Admirals, the Imperial General Headquarters, the Army and Navy General Staffs, the Army, Navy, Civilian Volunteer Corps and Gendarmerie, [illegible] ing on land and sea and in the air will be prohibited

c. In accordance with the provisions of the directive already issued you*, you will seize or destroy all arms, ammunition, naval vessels, and implements of war, including aircraft designed for civil use, and stop the production thereof

d You will take proper steps to destroy the Japanese war potential, as set forth in Parts II and III in this directive.

7. *Arrest and Internment of Japanese Personnel*

a The following will be arrested as rapidly as prac-

*SWNCC 58/9 (J C.S 1328/5)

ticable and held as suspected war criminals, pending further instructions concerning their disposition:

(1) All members of the Supreme Military Council, the Board of Field Marshals and Fleet Admirals, the Imperial General Headquarters, and the Army and Navy General Staffs;

(2) All commissioned officers of the Gendarmerie (Kempei), and all officers of the Army and Navy who have been important exponents of militant nationalism and aggression.

(3) All key members of ultra-nationalistic, terroristic and secret patriotic societies; and

(4) All persons who you have reason to believe are war criminals or whose names or descriptions are contained in lists of suspected war criminals which have been or may be furnished to you.

b. All persons who have played an active and dominant governmental, economic, financial or other significant part in the formulation or execution of Japan's program of aggression and all high officials of the Political Association of Great Japan, the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society and their agencies and affiliates or successor organizations will be interned pending further disposition. You may intern other civilians as necessary for the achievement of your mission.

c. You may, however, for a brief period of time, utilize the closely supervised services of those persons within the categories enumerated in subparagraphs 7 a (1) and (2) above, who are absolutely required by you to insure the demobilization of the Japanese armed forces.

d. You will receive further instructions concerning your responsibility with relation to war criminals, including those who have committed crimes against peace and crimes against humanity.

e. No differentiation shall be made or special consideration be accorded to civilian or military personnel arrested as war criminals either as to manner of arrest or conditions of detention, upon the basis of wealth, or political, industrial, or other rank or position.

f. All nationals of countries except Japan with which any of the United Nations are or have been at war in World War II (Bulgaria, Finland, Germany, Hungary, Italy, Roumania, and Thailand) will be identified and registered and may be interned or their activities curtailed as may be necessary under the circumstances. Diplomatic and consular officials of such countries will be taken into protective custody and held for further disposition.

g. Property, real and personal, owned or controlled by persons who have been detained or arrested under the provisions of paragraph 7 will be taken under your control pending directions as to its eventual disposition.

8. *Prisoners of War, United Nations Nationals, Neutrals, and Other Persons.*

a. You will insure that prisoners of war and displaced persons of the United Nations are cared for and repatriated.

b. Nationals of neutral countries will be required to register with the appropriate military authorities. They may be repatriated under such regulations as you may establish. However, all nationals of neutral nations who have actively participated in any way in the war against one of the United Nations will be arrested for disposition in conformity with later instructions. Nationals of neutral nations will be accorded no special privileges of communications or business relationships with their home countries or people resident outside Japan. The persons, archives and property of diplomatic consular officials of neutrals will be accorded full protection.

c. All civilians who are nationals of the United Nations, resident or interned in Japan will be identified, examined closely, and if you deem it advisable, may be placed in custody or restricted residence. All such nationals who fall within the provisions of paragraph 7 b above shall be arrested and held as suspected war criminals. All other United Nations nationals who have actively participated in any way in the war against one or more of the United Nations will be arrested and held for later disposition. Thereafter, they will be dealt with in accordance with instructions to be furnished you. In general, practical measures will be taken to insure the health and welfare of United Nations nationals.

d. You will treat Formosan-Chinese and Koreans as liberated peoples in so far as military security permits. They are not included in the term "Japanese" as used in this directive but they have been Japanese subjects and may be treated by you, in case of necessity, as enemy nationals. They may be repatriated, if they so desire, under such regulations as you may establish. However, priority will be given to the repatriation of nationals of the United Nations.

e. Within such limits as are imposed by the military situation, you should take all reasonable steps necessary to preserve and protect the property of the United Nations and their nationals.

9. *Political Activity.*

a. The dissemination of Japanese militaristic and ultra-nationalistic ideology and propaganda in any form will be prohibited and completely suppressed. You will require the Japanese Government to cease financial and other support of National Shinto establishments.

b. You will establish such minimum control and censorship of civilian communications including the mails, wireless, radio, telephone, telegraph and cables, films and press as may be necessary in the interests of military security and the accomplishment of the purposes set forth in this directive. Freedom of thought will be fostered by the dissemination of democratic ideals and principles through all available media of public information.

c. You will immediately place under control all

existing political parties, organizations and societies Those whose activities are consistent with the requirements of the military occupation and its objectives should be encouraged. Those whose activities are inconsistent with such requirements and objectives should be abolished. Subject to the necessity of maintaining the security of the occupying forces, the formation and activities of democratic political parties with rights of assembly and public discussion will be encouraged Free elections of representative local governments should be held at the earliest practicable date, and at the regional and national levels as directed, after consideration of your recommendation, through the Joint Chiefs of Staff Your action

[illegible]

accordance with the freely expressed will of the Japanese people, of a peacefully inclined and responsible government

d. Encouragement will be given to the development of democratic organizations in labor, industry and agriculture

e Freedom of religious worship shall be proclaimed promptly by the Japanese Government To the extent that the security of your military occupation and the attainment of its objectives are not prejudiced and subject to paragraph 9 a and c above, you will insure freedom of opinion, speech, press and assembly.

10 *Education, Arts and Archives.*

a As soon as practicable educational institutions will be reopened As rapidly as possible, all teachers who have been active exponents of militant nationalism and aggression and those who continue actively to oppose the purposes of the military occupation will be replaced by acceptable and qualified successors Japanese military and para-military training and drill in all schools will be forbidden You will assure that curricula acceptable to you are employed in all schools and that they include the concepts indicated in paragraph 3 a above.

b You should cause to be preserved for your information and use the records of all governmental and quasi-governmental, important private financial, industrial, manufacturing and business concerns, and the Japanese organizations referred to in paragraph 5 f above

c You will, so far as practicable, cause to be protected and preserved, all historical, cultural and religious objects, against depredations by the occupational forces, or others.

Part II—A. Economic

Objectives and General Basic Principles.

11. The policies of the American Government in regard to the economic affairs of Japan during the period of occupation are intended simultaneously to accomplish the following purposes:

a. To eliminate existing specialized facilities for the production of arms, munitions, or implements of war of any kind.

b To destroy the economic ability of Japan to create or support any armaments dangerous to international peace

c To execute such program of reparations and restitution as may be decided upon by the appropriate Allied authorities

d To encourage the development within Japan of economic ways and institutions of a type that will contribute to the growth of peaceful and democratic forces in Japan

e To supervise and guide the operation of Japanese economic arrangements and operations to assure that they conform to the general purposes of the occupation, and make possible the eventual readmission of Japan to the ranks of peaceful trading nations

The instructions composing the economic part of the directive are intended to advance these objectives during the first and immediate period of occupation that lies ahead, they will be subject to addition and revision in the light of circumstances which you encounter and the conduct of the Japanese people.

12 Your supreme authority as Supreme Commander for the Allied Powers in Japan will extend to all matters in the economic sphere In the exercise of that authority, to the extent that the accomplishment of your objectives permits, you will use the services of the Emperor and the machinery of the Japanese Government to accomplish your objectives. You will require them to carry out your orders, and to make such changes in the administrative organization of those branches of government concerned with economic matters as may seem to you necessary to carry out your objectives

You should act directly.

a. If because of the very nature of the task action through Japanese authorities will not effectively accomplish your economic objectives.

b. In the event that operation through the Japanese Government clearly fails in any particular phase of your operations to prove a satisfactory method.

In acting directly, you will establish administrative machinery independent of and superior to the Japanese officials and agencies to execute or assure the execution of the economic measures contained in this directive until such time as you may deem that the tasks can be satisfactorily assigned to the Japanese Governmental authorities.

13. You will not assume any responsibility for the economic rehabilitation of Japan or the strengthening of the Japanese economy. You will make it clear to the Japanese people that.

a. You assume no obligations to maintain, or have

maintained, any particular standard of living in Japan, and

b. That the standard of living will depend upon the thoroughness with which Japan rids itself of all militaristic ambitions, redirects the use of its human and natural resources wholly and solely for purposes of peaceful living, administers adequate economic and financial controls, and cooperates with the occupying forces and the governments they represent.

It is not the policy of the United States to prevent the eventual achievement by Japanese working effort and resources of conditions of living in Japan consistent with objectives specified in paragraph 11.

Economic Disarmament

14. In order to effect the economic disarmament of Japan:

a. You will stop immediately and prevent the future production, acquisition, development, maintenance, or use of all arms, ammunitions, and other implements of war; naval vessels; all types of aircraft including those designed for civilian use; and all parts, components, and materials especially designed for incorporation in any of the foregoing.

b. You will take such measures as you deem necessary to safeguard the facilities used or intended for use in the production or maintenance of any of the items above mentioned. Pending further instructions as to their ultimate disposition such facilities are not to be destroyed except in emergency situations.

c. You will not postpone the enforcement of the prohibitory program specified in subparagraph a or carrying out instructions that you will receive pursuant to subparagraph b without specific approval through the Joint Chiefs of Staff. Should you, however, find that production of any of the items enumerated in subparagraph a is essential to meet your requirements for military operations, the occupying forces, or temporary military research, you will make suitable recommendations to the Joint Chiefs of Staff; and pending the decision of the Joint Chiefs of Staff, you are authorized to make arrangements for production to the minimum extent necessary therefor.

15. Instructions which will be subsequently transmitted to you for carrying out programs for economic disarmament, reparations and restitution will involve the reduction or elimination of certain branches of Japanese production, such as iron, steel, chemicals, non-ferrous metals, aluminum, magnesium, synthetic rubber, synthetic oil, machine tools, radio and electrical equipment, automotive vehicles, merchant ships, heavy machines, and important parts thereof.

Pending, however, final and specific decision on these matters, you will permit continued production in those industries and the repair of production facilities to the minimum extent required to meet the needs of the occupation forces, and the minimum peaceful requirements of the population.

You will make clear to the Japanese that any permission to continue production or to repair production facilities is granted without prejudice to final decisions, as to either the limitations that may be imposed upon any branch of the Japanese economy or deliveries which may be required as reparations or restitution.

16. You may also permit the conversion of plant and equipment, including those types mentioned in paragraphs 14 and 15, to the production of essential consumer goods. You will satisfy yourself that any such conversion undertaken is a genuine move towards a peaceful economy and not a disguised attempt to preserve capacity to produce for military purposes.

You will also make clear to the Japanese that any such permission to convert is granted without prejudice to subsequent decisions as regards removal of plant or equipment on account of reparations or restitution or scrapping for security reasons under paragraph 11.

17. You will:

a. Immediately establish a system of inspection, and control to insure that production of the type forbidden in paragraphs 14 and 15 is not undertaken in concealed or disguised form.

b. Have prepared as rapidly as possible inventory reports upon all significant facilities that have been producing or are intended to produce the products covered in paragraph 14, and in all the industries specifically mentioned in paragraph 15. These reports should specify the condition and capacity of plant and equipment and the extent of raw materials stocked, finished goods, and goods in process. You will also inventory the Japanese merchant fleet.

In order to furnish the information necessary for further decisions concerning economic policy you will communicate those reports to the Joint Chiefs of Staff.

c. Develop and recommend to the Joint Chiefs of Staff controls which will prevent Japanese rearmament after termination of your occupation.

18. You will insure that all laboratories, research institutes, and similar technological organizations are closed immediately except those you deem necessary to the purposes of the occupation. You will provide for the maintenance and security of physical facilities thereof when deemed necessary, and for the detention of such personnel as are of interest to your technological or counter-intelligence investigations. You will at once investigate the character of the study and research conducted in such closed organizations and as rapidly as possible permit the resumption of those forms of study and research that have an obviously peaceful purpose under appropriate regulations which (1) define the specific type of research permitted, (2) provide for frequent inspection, (3) require free disclosure to you of the results of the research, and (4) impose severe penalties, including perma-

nent closure of the offending institution whenever the regulations are violated.

The Operation of the Japanese Economic System

19 The Japanese authorities will be expected to develop and effectively carry out programs of working activity that will enable them out of their own resources and labor to accomplish the following.

a To avoid acute economic distress

b To assure just and impartial distribution of available supplies

c To meet your demands for the needs of the occupying forces

d To meet the requirements for such reparations deliveries as may be agreed upon by the Allied Governments

In order to achieve these aims, the Japanese authorities will have to make the utmost effort to maximize production of agricultural and fishery products, coal, charcoal, housing repair materials, clothing and other essentials In the event that they fail to do so, you will direct them to take such measures as in your judgment are necessary

20 You will require the Japanese authorities to pro- [illegible] distress

21 The Japanese authorities shall be permitted on their own responsibility to establish and administer any controls over economic activities that are appropriate or necessary in order to achieve the economic ends specified in paragraph 19 Both the policy and the administration of these controls shall be subject to your approval and supervision particularly in so far as they may conflict with paragraph 15 This paragraph shall not preclude your taking direct action as provided in paragraph 12

22 Serious inflation will substantially retard the accomplishment of the ultimate objectives of the occupation You will, therefore, direct the Japanese authorities to make every feasible effort to avoid such inflation However, prevention or restraint of inflation shall not constitute a reason for limiting the removal, destruction, or curtailment of productive facilities in fulfillment of programs for reparations, restitution, demilitarization, or economic disarmament.

Elimination of Certain Elements in the Japanese Economic System

23. You will prohibit the retention in or selection for positions of important responsibility or influence in industry, finance, commerce, or agriculture of all persons who have been active exponents of militant nationalism and aggression, of those who have actively participated in the organizations enumerated in paragraph 5 g (above, Political and General Part) of this directive, and of any who do not direct future Japanese economic effort solely towards peaceful ends. (In the absence of evidence, satisfactory to you, to the contrary, you will assume that any persons who have held key positions of high responsibility since 1937, in industry, finance, commerce or agriculture have been active exponents of militant nationalism and aggression)

24 You will require the protection from destruction and the maintenance for such disposition as may be determined by this and other directives of all plants, equipment, patents, books and records and all other significant property of the large Japanese industrial and financial companies and trade and research associations that have played an important part in the Japanese war effort or economy.

Democratization of Japanese Economic Institutions

25 It is the intent of the United States Government to encourage and show favor to

a. Policies which permit a wide distribution of income and of ownership of the means of production and trade

b. The development of organizations in labor, industry, and agriculture organized on a democratic basis Accordingly, you will:

(1) Require the Japanese to establish a public agency responsible for reorganizing Japanese business in accordance with the military and economic objectives of your government. You will require this agency to submit, for approval by you, plans for dissolving large Japanese industrial and banking combines or other large concentrations of private business control

(2) Establish and maintain surveillance, until satisfactory plans for reorganization have been approved, over the Japanese businesses described in subparagraph (1) above in order to ensure conformity with the military and economic objective of your government

(3) Dissolve the Control Associations. Any necessary public function previously performed by these associations should be transferred to public agencies, approved and supervised by you

(4) Abrogate all legislative or administrative measures which limit free entry of firms into industries to be reorganized where the purpose or effect of such measures is to foster and strengthen private monopoly.

(5) Terminate and prohibit all Japanese participation in private international cartels or other restrictive private international contracts or arrangements.

(6) Require the Japanese to remove, as rapidly as practicable, wartime controls over labor and reinstate protective labor legislation

(7) Require the removal of all legal hindrances to the formation of organizations of employees along democratic lines, subject to any necessary safeguards to prevent the perpetuation of militaristic influences under any guise or the continuation of any group hostile to the objectives and operations of the occupying forces.

(8) Prevent or prohibit strikes or other work stoppages only when you consider that these would interfere with military operations or directly endanger the security of the occupying forces.

Foreign Economic Transaction

26. You will establish controls over all Japanese foreign trade in goods and services. Such controls should be so operated as to give effect during the initial period to the following policies:

a. Exports shall not be approved if such goods are clearly needed to meet minimum domestic requirements.

b. No exports of plant and equipment shall be permitted until determination has been made as to whether they may be required for reparation or restitution.

c. Exports other than those directed to be shipped on reparation account or as restitution may be made only to those recipients who agree to provide necessary imports in exchange or agree to pay for such exports in foreign exchange.

d. All proceeds of exports shall be controlled by you and made available in the first place for the payment for approved imports. No person, corporation or organization in Japan shall be permitted to acquire foreign assets of any kind except with your special approval.

e. Approval should be given only to imports which are clearly in accord with the economic policies elsewhere set down in this directive.

f. Neither the need for imports or exports (including exports that might be made on reparations account) shall be deemed a reason for requiring or permitting any branch of Japanese industry to be restored or developed to an extent that might significantly contribute to Japan's warmaking potential, or promote dependence by other countries on Japan for strategic products.

27. The Japanese authorities are to enter into no economic agreements of any kind with foreign governments or interests except after prior consultation with you by your express approval. Any such proposed agreements should be submitted to the Joint Chiefs of Staff for their consideration.

Reparations and Restitutions

28. You will assure the execution of programs of reparations in kind and of restitution of identifiable looted property in accordance with decisions of the appropriate Allied authorities transmitted to you by the Joint Chiefs of Staff. Reparations will be accomplished:

a. Through the transfer of Japanese property located outside of the territories to be retained by Japan;

b. Through the transfer from Japan of goods, existing plant, equipment, and facilities that are not necessary to the operation of a peaceful Japanese economy, or the supplying of the occupying forces.

All requests received by you, for reparations or restitution from the United Nations which have been victims of Japanese aggression will be reported with your recommendations to the Joint Chiefs of Staff.

B. Civilian Supply and Relief

Civilian Supply Policy and Standard of Provision

29. a. You will assure that all practicable economic and police measures are taken to achieve the maximum utilization of essential Japanese resources in order that imports into Japan may be strictly limited. Such measures will include production and price controls, rationing, control of black markets, fiscal and financial controls and other measures directed toward full employment of resources, facilities and means available in Japan.

b. You will be responsible for providing imported supplies only to supplement local resources and only to the extent supplementation is needed to prevent such widespread disease or civil unrest as would endanger the occupying forces or interfere with military operations. Such imports will be confined to minimum quantities of food, fuel, medical and sanitary supplies and other essential items, including those which will enable local production of such supplies which you would otherwise have to import.

c. Supplies necessary to be imported under paragraph 29 b above will be obtained to the extent possible from surpluses available from other Asiatic and Pacific Ocean areas. To the extent that such surpluses are available in areas under the jurisdiction of other United States commanders, arrangements may be made by you directly with such other commanders. To the extent that such surpluses are available in areas under the jurisdiction of governments other than the United States, or the military commanders of such governments, negotiations necessary to obtain such surpluses will be conducted by or with the approval of local United States diplomatic representatives in the areas in question. In the event such diplomatic representatives are not available, you will report the situation, with your recommendations to the Joint Chiefs of Staff.

d. If you deem that you should assume responsibility for additional imports to accomplish the objectives of your occupation, you will submit your recommendations to the Joint Chiefs of Staff.

Methods and Conditions of Distribution

30. You will require that all practicable steps be taken to assume the fair and equitable distribution of supplies under uniform ration scales.

31. To the maximum extent consistent with military

expediency, import supplies for the civilian population should, in so far as practicable and desirable, be delivered to such Japanese public supply agencies or other consignees as are acceptable to you and under your direct supervision or control. Whenever possible, such deliveries will be at ports of entry, but if necessary, deliveries may take place at appropriate inland centers of distribution

32 You may make sales directly to wholesalers or other commercial dealers in the event that no satisfactory public supply agency exists or that operational or other reasons render distribution of civilian supplies through such an agency impracticable In order to limit direct provision and distribution of supplies by you to the civilian population, you should assure that the Japanese do not unnecessarily involve the occupying forces in such responsibility Such direct sales by you as are necessary will be paid for by the purchaser in local currency at prices determined by you to be consistent with the internal economy

33 Supplies delivered to supply agencies or other consignees will be sold by them through distribution channels and in accordance with distribution policies satisfactory to you and at prices determined by you to be consistent with the internal economy When military necessity requires, civilian supplies may be made the subject of direct relief issue by you or by supply agencies under your supervision or control

Part III—Financial

34 In the financial field you will make full application of the principles stated elsewhere in this directive, acting through the Japanese Government to the extent that effective execution of the policies and programs hereinafter enumerated will permit, but establishing administrative machinery not dependent upon Japanese authorities and agencies to the extent necessary to execute or assure the effective execution of such policies and programs. You are specifically directed to establish such independent administrative machinery in order to execute or assure the effective execution of the provisions of paragraphs 40, 41, 45, 46, and 47 of this directive

35. Japanese financial organizations and the public finance system will be expected to function on the basis of Japanese resources You will take no steps designed to maintain, strengthen, or operate the Japanese financial structure except in so far as may be necessary for the purposes specified in this directive.

36 You may authorize or require the Bank of Japan or any other bank or agency to issue bank notes and currency which will be legal tender, without such authorization no Japanese governmental or private bank or agency will be permitted to issue bank notes or currency

37 You will require the Japanese authorities to make available to you legal tender yen notes or yen credits free of cost and in amounts sufficient to meet all expenses of your forces including the costs of your military occupation

38. a In the event that for any reason adequate supplies of regular legal tender yen notes are not available you will use supplemental military yen (Type "B") issued pursuant to military proclamation Supplemental yen will be declared legal tender and will be interchangeable at par without distinction with other legal tender yen currency

b. Regular yen currency will include currencies which are now legal tender in the area

c Japanese military yen issued for circulation in territories occupied by the Japanese will not be legal tender and will not be acceptable nor interchangeable with supplemental yen or regular yen currencies

39 You will not announce, establish or permit the use or publication, until receipt of further instructions, of any general rate of exchange between the Japanese yen on the one hand the U S dollar and other currencies on the other However, a rate of conversion to be used exclusively for pay of military and naval personnel and for military and naval accounting purposes, namely 15 regular or supplemental yen equal one U S dollar, has already been communicated to you

40 You will remove and exclude from positions of important responsibility or influence in all public and private financial institutions, agencies or organizations all persons who have been active exponents of militant [illegible] key positions in any such institutions, agencies, or organizations are active exponents of militant nationalism and aggression. You will also prevent the retention in or selection for places of importance in the financial field of individuals who do not direct future financial effort solely towards peaceful ends.

41. You will close and not allow to reopen banks and other financial institutions whose paramount purpose has been the financing of war production or the mobilization or control of financial resources in colonial or Japanese occupied territories These include

a. The Wartime Finance Bank,

b The National Financial Control Association and its member control associations,

c Offices, in the area, of the Bank of Chosen and the Bank of Taiwan,

d The various banks and development companies whose fields of operation have been outside Japan proper such as the Southern Development Company, the Southern Development Company Bank and the Tokyo offices of the Central Bank of Manchou, Bank of Mongolia, Federal Reserve Bank of China, and Central Reserve Bank

of China. You will take custody of all the books and records of these banks and other institutions.

42. You are authorized to take such financial measures as you may deem necessary to accomplish the objective of your military occupation, specifically including, without limitation, the following:

a. Close banks, other than those indicated in paragraph 41 above, only where clearly necessary for the purposes of introducing satisfactory control, removing objectionable personnel and taking measures to effectuate the program for the blocking of certain accounts and transfers or the determination of accounts to be blocked or for other reasons of military necessity. You should reopen any banks so closed except those indicated in paragraph 41 above, as promptly, as is consistent with the accomplishment of the foregoing purposes;

b. Prohibit, or regulate transfers or other dealings in private or public securities or real estate or other property;

c. Establish a general or limited moratorium or moratoria only to the extent clearly necessary to carry out the objectives of your military occupation;

d. Close stock exchanges, insurance companies and similar financial institutions for such periods as you deem appropriate.

43. You will prohibit the payment of:

a. All military pensions, or other emoluments or benefits, except compensation for physical disability limiting the recipient's ability to work, at rates which are no higher than the lowest of these for comparable physical disability arising from nonmilitary causes;

b. All public or private pensions or other emoluments or benefits granted or conferred:

(1) By reason of membership in or services to the Political Association of Great Japan, the Imperial Rule Assistance Association (Taisei Yokasankai), the Imperial Rule Assistance Political Society (Taisei Seijikei), their affiliates and agencies or any successor or similar organizations, and all Japanese nationalistic, terroristic and secret patriotic societies and their agencies and affiliates.

(2) To any person who has been removed from an office or position in accordance with paragraphs 5 or 40 of this directive.

(3) To any person interned in accordance with paragraph 7 of this directive, during the term of his internment, or permanently in case of his subsequent conviction.

44. a. Any laws, ordinances and regulations or practices relating to taxation or other fields of finance which tend to discriminate for or against any person because of nationality, race, creed or political opinion will be amended, suspended or abrogated to the extent necessary to eliminate such discrimination. The collection of contributions of any kind for nationalistic, imperialistic, militaristic, or anti-democratic societies of any kind will be prohibited.

b. You will insure that Japanese public expenditures are consistent with the objectives stated elsewhere in this directive.

45. You will impound or block all gold, silver, platinum, currencies, securities, accounts in financial institutions, credits, valuable papers and all other assets within the categories listed below:

a. Property owned or controlled directly or indirectly, in whole or in part, by any of the following:

(1) The Japanese national, prefectural and local governments, or any agency or instrumentality of any of them, including all utilities, undertakings, public corporations or monopolies under the control of any of the above;

(2) The Governments, nationals, or residents of Germany, Italy, Bulgaria, Rumania and Hungary, including those of territories formerly occupied by them and by Japan;

(3) The Japanese Imperial Household;

(4) The Political Association of Great Japan, the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, their affiliates and agencies or any successor or similar organizations, and all Japanese nationalistic, terroristic and secret patriotic societies, agencies and affiliates and their officials, leading members and supporters;

(5) The National Shinto;

(6) All organizations, clubs or other associations prohibited or dissolved by you;

(7) Absentee owners of non-Japanese nationality including United Nations and neutral governments and Japanese outside of Japan;

(8) Any person or concern in any area under Japanese control at any time since 1894, except the islands of Honshu, Hokkaido, Kyushu, Shikoku and whatever minor islands are left to Japan;

(9) Persons subject to internment under provisions of paragraph 7, and all other persons specified by Military Government by inclusion in lists or otherwise.

b. All Japanese (public and private) foreign exchange and external assets of every kind and description located within or outside Japan.

c. Property which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise.

d. Works of art of cultural or material value of importance, regardless of ownership.

You will take such action as will insure that any impounded or blocked assets will be dealt with only as permitted under licenses or other instructions which you may issue. In the case particularly of property blocked under a (1) above, you will proceed to adopt licensing

measures which while maintaining such property under surveillance would permit its use by you or by the licensees in consonance with this directive In the case of property blocked under c above, you will institute measures for prompt restitution, in conformity with the objectives of this directive and subject to appropriate safeguards to prevent the cloaking of militaristic and other undesirable influence

You will require from the Japanese Government such reports as you deem necessary to obtain full disclosure of all assets mentioned in b above

46 You will seek out and reduce to the possession or [illegible]

47. All foreign exchange transactions, including those arising out of exports and imports, will be controlled with the aim of preventing Japan from developing a war potential and of achieving the other objectives set forth in this directive To effectuate these purposes, you will

a. Prohibit, except as authorized by regulation or license, all dealings in gold, silver, platinum, foreign exchange, and all foreign exchange transactions of any kind.

b. Make available any foreign exchange proceeds of exports for payment of imports directly necessary to the accomplishment of the objectives of this directive, and authorize no other outlay of foreign exchange assets without specific approval of your government through the Joint Chiefs of Staff

c Establish effective controls with respect to all foreign exchange transactions, including·

(1) Transactions as to property between persons inside Japan and persons outside Japan,

(2) Transactions involving obligations owed by or to become due from any person in Japan to any person outside Japan, and

(3) Transactions involving the importation into or exportation from Japan of any foreign exchange asset or other form of property

d You will provide full reports to your government with respect to all Japanese foreign and external assets.

48 No extension of credit to Japan or Japanese by any foreign person, agency or government will be permitted except as may be authorized by your government through the Joint Chiefs of Staff upon your recommendations

49 It is not anticipated that you will make credits available to the Bank of Japan or any other bank or to any public or private institution If, in your opinion, such action becomes essential, you may take such emergency actions as you may deem proper, but in any such event, you will report the facts to your government through the Joint Chiefs of Staff

50 You will maintain such accounts and records as may be necessary to reflect the financial operations of your military occupation and you will provide the Joint Chiefs of Staff with such information as it may require, including information in connection with the use of currency by your forces, any governmental settlements, occupation costs, and other expenditures arising out of operations or activities involving participation of your forces.

OCCUPATION FORCE IN JAPAN

Summary of Agreement Between the United States and Australia, Acting on Behalf of the United Kingdom, New Zealand, and India

January 30, 1946.

1. As a result of discussion between members of the British Commonwealth, proposals for a joint British Commonwealth Force to participate in the occupation of Japan were agreed upon and conveyed to the United States Government by the Australian Government, acting on behalf of the British Commonwealth Government concerned.

2. Following recent representations in Washington by the Australian Minister for External Affairs, Dr. H. V. Evatt, the United States Government has now formally accepted the participation of British Commonwealth forces in the occupation of Japan. Arrangements are now well advanced for the force to proceed on the following basis.

3. The force is drawn from the United Kingdom, Australia, New Zealand, and India. The Commander in Chief of the force it Lt. Gen. J. Northcott, C.B., M.V.O., of the Australian Military Forces. His headquarters are fully integrated with representatives drawn from each service and from each Commonwealth country contributing to the force. Air Commodore F. M. Bladin, C.B.E., of the Royal Australian Air Force, has been appointed Chief of Staff to Lieutenant General Northcott.

4. The force comprises:

(a) force and base troops drawn from each of the contributing countries;

(b) a land component, organised as a corps, consisting of one British Indian division and two independent brigade groups—one each from Australia and New Zealand;

(c) an air component comprising squadrons drawn from the Royal Air Force, the Royal Australian Air Force, the Royal New Zealand Air Force, and the Royal Indian Air Force.

5. A squadron of the British Pacific fleet, which includes ships of the Royal Navy, the Royal Australian Navy, and the Royal Indian Navy is stationed in Japanese waters under operational control of the admiral commanding the detachment of the United States fleet.

6. The British Indian division is commanded by Maj. Gen. D. T. Cowan, C.B., D.S.O., M.C., Indian Army, and includes the 5th Brigade of the 2nd British Division and the 268th Indian Infantry Brigade. The Australian Infantry Brigade group includes the 34th Australian Infantry Brigade commanded by Brigadier R. H. Mimmo. The Commander of New Zealand Brigade, which is coming from Italy, is Brigadier K. L. Stewart, C.B.E., L.S.O.

7. The Commander of the air component is Air Vice Marshal C. A. Bouchier, C.B., C.B.E., D.F.C., Royal Air Force. His senior air staff officer is Air Commodore I. D. McLaughlan, D.F.C., Royal Australian Air Force. The air component includes the 81st Australian Fighter Wing of three Mustang Fighter Squadrons; numbers 11 and 17 Spitfire Squadrons, and number 96 Medium Transport Squadron, Royal Air Force; number 4 Spitfire Squadron, Royal Indian Air Force; and number 14 Corsair Squadron, Royal New Zealand Air Force.

8. The British Commonwealth Occupation Force (BCOF) will form part of the occupation forces in Japan under the supreme command of General Douglas MacArthur, Supreme Commander for the Allied Powers (SCAP). He has assigned the land component to the general operational control of the Commanding General, 8th United States Army, who is in military control of the whole area of Japan. The air component has been assigned to the general operational control of the Commanding General, Pacific Air Command, United States Army (PAC USA). Lieutenant General Northcott, as Commander in Chief, BCOF, is entirely responsible for the maintenance and administration of the British Commonwealth Occupation Force as a whole. He has direct access to General MacArthur on matters of major policy affecting operational commitments of the force. On policy and administrative matters affecting the force, the Commander in Chief is responsible to the British Commonwealth Governments concerned through a British Commonwealth organization set up in Melbourne and known as the Joint Chiefs of Staff in Australia. Their instructions to the Commander in Chief, BCOF, will be issued by the Australian Chiefs of Staff. The Joint Chiefs of Staff in Australia (JCOSA) comprise the Australian Chiefs of Staff and representatives of Chiefs of Staff in the United Kingdom and New Zealand and of the Commander in Chief in India. This organization is fully associated with Australian Joint Service machinery. The Commander in Chief BCOF has the right of direct communication with the Joint Chiefs of Staff in Australia on administrative matters affecting the force. On matters of governmental concern affecting the policy and operations of BCOF, he will communicate through JCOSA to the Australian Government, which acts as the representative of the other Commonwealth Governments concerned.

9. The BCOF will be initially located in the Hiroshima Prefecture including the cities of Kure and Fukuyama. It will be responsible for the demilitarization and disposal of Japanese installations and armaments. It will exercise military control of the area but will not be responsible for its military government, which remains the responsibility of United States agencies. The BCOF area will not constitute a national zone. The BCOF may be called upon to conduct military operations

outside its normally allocated area When air support for the land component of the BCOF is required, this will be provided primarily by the BCOF air component. Kure will be the base port for BCOF which will be responsible for the working of the entire port The Kure Naval Yard will remain under United States naval control

10 Provision is being made for the BCOF to be represented in the Tokyo Prefecture by a detachment which probably will be of battalion strength This *detachment will be drawn in turn from each national* component in the force

11 The British Commonwealth Occupation Force may be withdrawn wholly or in part by agreement between the United States Government and the Commonwealth Governments concerned or upon six months' notice by either party It has been agreed also that [illegible] States occupation forces in Japan

12. The Australian Services Mission, hitherto located in Tokyo, has been transformed into an advanced echelon of Headquarters BCOF with an addition of officers from other Commonwealth components. For the present it remains in the Tokyo area to facilitate liaison with General MacArthur's headquarters

13 Details of the move to Japan of the various components of BCOF cannot yet be announced but detailed planning is now in progress on the following basis·

(a) naval port parties for the working of Kure port to arrive in the first week of February

(b) [illegible]

(c) [illegible] ponent to arrive about the first of March;

(d) leading elements of the New Zealand Brigade, which is moving from Italy, to arrive about March 23.

General of the Army Douglas MacArthur, Supreme Commander for the Allied Powers, made the following statement concerning the employment of British Commonwealth Forces in the occupation of Japan [1]

"The present occupation forces in Japan extend the heartiest possible welcome to the British Commonwealth forces who are about to share with them the arduous and difficult duties which are involved Their presence will materially broaden the base along international lines of a burden which up to this time has, of necessity, been carried to a large extent unilaterally by United States forces and cannot fail to be of over-all beneficial effect It will [illegible] pride in again being associated with it The reception of the entire force will be of the warmest "

When the exact composition and time of arrival of the British Commonwealth force are known to General MacArthur he will determine the number and schedule of withdrawal of American troops from his command

The participation of British Commonwealth forces in the occupation of Japan is in line with the policy made public by the President on September 22 which stated that the "participation of the forces of other nations that have taken a leading part in the war against Japan will be welcomed and expected "

In accordance with this declaration, invitations were extended also to the Governments of China and the Union of Soviet Socialist Republics to send troops to participate in the occupation. The Chinese Government has informed this Government that, while it is willing to provide a contingent of troops, it is not in a position to do so at the present time. The Union of Soviet Socialist Republics has not accepted the invitation to participate

[1] The remaining statements were released in Washington and Tokyo only

Appendix B

ELIMINATION OF THE OLD ORDER

1. OCCUPATION AND DEMOBILIZATION DIRECTIVES

Office of the Supreme Commander for the Allied Powers

Directive
Number 1

2 September 1945.

Pursuant to the provisions of the Instrument of Surrender signed by representatives of the Emperor of Japan and the Japanese Imperial Government and of the Japanese Imperial General Headquarters, 2 September 1945, the attached "General Order Number 1, Military and Naval" and any necessary amplifying instructions, will be issued without delay to Japanese and Japanese-controlled Armed Forces and to affected civilian agencies, for their full and complete compliance.

By direction of the Supreme Commander for the Allied Powers:

(s) R. K. Sutherland,
(t) R. K. Sutherland,
Lieutenant General, U. S. Army,
Chief of Staff.

1 Incl:
General Order No. 1,
Military and Naval.

General Order No. 1

MILITARY AND NAVAL

I. The Imperial General Headquarters by direction of the Emperor, and pursuant to the surrender to the Supreme Commander for the Allied Powers of all Japanese Armed Forces by the Emperor, hereby orders all of its Commanders in Japan and abroad to cause the Japanese Armed Forces and Japanese-controlled Forces under their command to cease hostilities at once, to lay down their arms, to remain in their present locations and to surrender unconditionally to Commanders acting on behalf of the United States, The Republic of China, The United Kingdom and the British Empire, and the Union of Soviet Socialistic Republics, as indicated hereafter or as may be further directed by the Supreme Commander for the Allied Powers. Immediate contact will be made with the indicated Commanders, or their designated representatives, subject to any changes in detail prescribed by the Supreme Commander for the Allied Powers, and their instructions will be completely and immediately carried out.

(a) The senior Japanese Commanders and all ground, sea, air and auxiliary forces within China, (excluding Manchuria), Formosa and French Indo-China North of 16 degrees North latitude, shall surrender to Generalissimo Chiang Kai-Shek.

(b) The senior Japanese Commanders and all ground, sea air and auxiliary forces within Manchuria, Korea North of 38 degrees North latitude, Karafuto, and the Kurile Islands, shall surrender to the Commander in Chief of Soviet Forces in the Far East.

(c) (1) The senior Japanese Commanders and all ground, sea, air and auxiliary forces within the Andamans, Nicobars, Burma, Thailand, French Indo-China South of 16 degrees North latitude, Malaya, Sumatra, Java, Lesser Sundas (including Bali, Lombok, and Timor), Boeroe, Ceram, Ambon, Kai, Aroe, Tanimbar and islands in the Arafura Sea, Celebes, Halmahera and Dutch New Guinea shall surrender to the Supreme Allied Commander, South East Asia Command.

(2) The senior Japanese Commanders and all ground, sea, air and auxiliary forces within Borneo, British New Guinea, the Bismarks and the Solomons shall surrender to the Commander-in-Chief, Australian Military Forces.

(d) The senior Japanese Commanders and all ground, sea, air and auxiliary forces in the Japanese mandated Islands, Bonins, and other Pacific Islands shall surrender to the Commander-in-Chief, U. S. Pacific Fleet.

(e) The Imperial General Headquarters, its Senior Commanders, and all ground, sea, air and auxiliary forces in the main islands of Japan, minor islands adjacent thereto, Korea South of 38

degrees North latitude, Ryukyus, and the Philippines shall surrender to the Commander-in-Chief, U S Army Forces, Pacific.

(f) The above indicated Commanders are the only representatives of the Allied Powers empowered to accept surrender, and all surrenders of Japanese Forces shall be made only to them or to their representatives

The Japanese Imperial General Headquarters further orders its commanders in Japan and abroad to disarm completely all forces of Japan or under Japanese control wherever they may be situated, and to deliver intact and in safe and good condition all weapons and equipment at such times and at such places as may be prescribed by the Allied Commanders indicated above

Pending further instructions, the Japanese Police Force in the main Islands of Japan will be exempt from this disarmament provision The Police Force will remain at their posts and shall be held responsible for the preservation of Law and Order The strength and arms of such Police Force will be prescribed

II The Japanese Imperial General Headquarters shall furnish to the Supreme Commander for the Allied Powers, without delay after receipt of this order, complete information with respect to Japan and all areas under Japanese control, as follows

(a) Lists of all land, naval, air and anti-aircraft units showing locations and strengths in Officers and Men

(b) Lists of all aircraft, Military, Naval and Civil, giving complete information as to the [illegible] nd [illegible] on-dition and movement

(d) Lists of all Japanese and Japanese-controlled Merchant Ships of over 100 gross tons, in or out of commission and under construction, including Merchant Ships formerly belonging to any of the United Nations which are now in Japanese hands, giving their positions, condition and movement

(e) Complete and detailed information, accompanied by maps, showing locations and layouts of all mines, minefields, and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith

(f) Locations and descriptions of all military installations and establishments, including airfields, seaplane bases, anti-aircraft defenses, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas

(g) Locations of all camps and other places of detention of United Nations Prisoners of War and Civilian Internees

III Japanese Armed Forces and Civil Aviation Authorities will insure that all Japanese Military, Naval and Civil Aircraft remain on the ground, on the water, or aboard ship, until further notification of the disposition to be made of them

IV Japanese or Japanese-controlled Naval or Merchant vessels of all types will be maintained without damage and will undertake no movement pending instructions from the Supreme Commander for the Allied Powers Vessels at sea will immediately render harmless and throw overboard explosives of all types Vessels not at sea will immediately remove explosives of all types to safe storage ashore

V Responsible Japanese or Japanese-controlled Military and Civil Authorities will insure that

(a) All Japanese mines, minefields and other obstacles to movement by land, sea and air, wherever located, be removed according to instructions of the Supreme Commander for the Allied Powers

(b) All aids to navigation be reestablished at once

(c) All safety lanes be kept open and clearly marked pending accomplishment of (a) above

VI Responsible Japanese and Japanese-controlled Military and Civil Authorities will hold intact and in good condition pending further instructions from the Supreme Commander for the Allied Powers the following

(a) All arms, ammunition, explosives, military equipment, stores and supplies, and other implements of war of all kinds and all other war material (except as specifically prescribed in section IV of this order)

(b) All land, water and air transportation and communication facilities and equipment

(c) All Military installations and establishments, including airfields, seaplane bases, anti-aircraft defenses, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments.

(d) All factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions designed or intended to produce or to facilitate the production or use of all implements of war and other material and property used by or intended for use by any military or part-military organization in connnection with its operations.

VII. The Japanese Imperial General Headquarters shall furnish to the Supreme Commander for the Allied Powers, without delay after receipt of this order, complete lists of all the items specified in paragraphs (a), (b), and (d) of section VI above, indicating the numbers, types and locations of each.

VIII. The manufacture and distribution of all arms, ammunition and implements of war will cease forthwith.

IX. With respect to United Nations Prisoners of War and Civilian Internees in the hands of Japanese or Japanese-controlled authorities:

(a) The safety and well-being of all United Nations Prisoners of War and Civilian Internees will be scrupulously preserved, to include the administrative and supply services essential to provide adequate food, shelter, clothing, and medical care until such responsibility is undertaken by the Supreme Commander for the Allied Powers.

(b) Each camp or other place of detention of United Nations Prisoners of War and Civilian Internees together with its equipment, stores, records, arms, and ammunition, will be delivered immediately to the command of the senior officer or designated representative of the Prisoners of War and Civilian Internees.

(c) As directed by the Supreme Commander for the Allied Powers, Prisoners of War and Civilian Internees will be transported to places of safety where they can be accepted by Allied authorities.

(d) The Japanese Imperial General Headquarters will furnish to the Supreme Commander for the Allied Powers, without delay after receipt of this order, complete lists of all United Nations Prisoners of War and Civilian Internees, indicating their locations.

X. All Japanese and Japanese-controlled Military and Civil Authorities shall aid and assist the occupation of Japan and Japanese-controlled areas by forces of the Allied Powers.

XI. The Japanese Imperial General Headquarters and appropriate Japanese Officials shall be prepared, on instructions from Allied Occupation Commanders, to collect and deliver all arms in the possession of the Japanese Civilian population.

XII. This and all subsequent instructions issued by the Supreme Commander for the Allied Powers or other Allied Military Authorities will be scrupulously and promptly obeyed by Japanese and Japanese-controlled Military and Civil Officials and private persons. Any delay or failure to comply with the provisions of this or subsequent orders, and any action which the Supreme Commander for the Allied Powers determines to be detrimental to the Allied Powers, will incur drastic and summary punishment at the hands of Allied Military Authorities and the Japanese Government.

XIII. The Japanese Imperial General Headquarters will immediately advise the Supreme Commander for the Allied Powers the earliest date and time at which information called for in Parts II, VII and IX (d) can be submitted.

OFFICE OF THE SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
3 September 1945

DIRECTIVE
NUMBER 2

Part I—General

1 a The Japanese Imperial Government and the Japanese Imperial General Headquarters are hereby directed to comply, or to insure the compliance as the case may be, with the requirements of the Supreme Commander for the Allied Powers states in this Directive

[illegible] latitude, and the RYUKYUS.

c The requirements imposed by this Directive are designed to facilitate and insure the prompt and orderly establishment of the Occupation Forces of the Supreme Commander for the Allied Powers in designated objectives within its area of application, and to establish certain controls over disarmament and demobilization of Japanese Armed Forces deemed necessary to insure orderly compliance with terms of surrender.

d Additional requirements will be imposed from time to time as deemed necessary to carry out the above objectives

2 a The term "Japanese Armed Forces" as used herein shall be defined as all Japanese and Japanese-controlled Army and Naval Forces including their Air Forces, Auxiliaries and quasi-military organizations, as well as all personnel employed by or attached to any of the foregoing, but shall not include civil police

b The term "Allied Representative" as used herein shall be defined as any Commander of Occupation Forces, or any Subordinate Commander, Staff Officer, or Agent acting under authority of the Supreme Commander for the Allied Powers, or a Commander of Occupation Forces

3 The Supreme Commander for the Allied Powers, who is also Commander-in-chief, United [illegible] for the Allied Powers within the area indicated.

4 The official text of all Proclamations, Orders and Instructions issued by authority of the Supreme Commander for the Allied Powers shall be in English When a Japanese translation is also issued and any discrepancies occur, the English text will govern When any question arises as to the meaning of any instructions issued, the interpretation of the issuing authority shall be final.

5 Commanding Officers of all organizations, units, or subdivisions of the Japanese Armed Forces will be held personally responsible by the Supreme Commander for the Allied Powers or the Commanders of Occupation Forces concerned, for the prompt and complete execution of instructions issued by Allied Representatives and applicable within the sphere of responsibility of such Japanese Commanding Officers

6 Unless otherwise specified, time limits contained in this Directive are reckoned from [illegible] of this Directive by Japanese Imperial General Headquarters Required reports will be [illegible] in English

Part II—Japanese Armed Forces

[illegible] "A", hereto

2 a The Commanding General, First Japanese General Army will report in [illegible] manding General, Eighth United States Army, in the TOKYO area at hour and [illegible] the latter, for instructions covering the entry of Occupation Forces into the area of [illegible] the Eighth United States Army.

b. The Commanding General, Second Japanese General Army will report by radio, without delay, to the Commanding General, Sixth United States Army, for instructions covering the entry of Occupation Forces into the area of responsibility of the Sixth United States Army. Initial radio contact through the facilities of the Supreme Commander for the Allied Powers, subsequent direct contact as directed by the Commanding General, Sixth United States Army.

c. The Commanding General, Seventeenth Japanese Area Army, KEIJO, will report to the Commanding General, United States Army Forces, Korea (Commanding General, XXIV United States Army Corps), for detailed instructions covering entry of United States Army Occupation Forces into KOREA south of 38 degrees north latitude, in accordance with instructions previously transmitted to the Japanese Imperial General Headquarters.

d. A senior representative of the Chief, Japanese Imperial Naval General Staff, will report in person to a designated naval representative of the Supreme Commander for the Allied Powers, in the TOKYO area at hour and place designated by the latter, for instructions covering the entry of United States Naval Forces into water areas and naval establishments of JAPAN Proper and KOREA.

e Japanese Commanders in the RYUKYUS will receive, at appropriate times direct instructions from the Commanding General, Tenth United States Army, covering occupation of these islands by United States Forces.

3. The Japanese Imperial General Headquarters will submit to the Supreme Commander for the Allied Powers on demand:

a. Detailed information regarding the current location of the Japanese Imperial General Headquarters and all its departments, branches, and agencies. Locations will be accurately marked on maps to scale not smaller than 1:100,000. The complete official name and address of each department, branch, and agency of the Imperial General Headquarters will be given, together with the name and appointment or office of the Senior Officer or official of each such department, branch or agency.

b. Detailed organization charts of the Japanese Armed Forces showing the chain of command to the level of divisions and independent brigades and comparable Naval units.

4. The Japanese Imperial General Headquarters will provide the Supreme Commander for the Allied Powers, without delay, the following information pertaining to each General Army, Area Army, Army, Division, Independent Brigade (all types), and Independent Regiment (all types), and comparable Naval units:

a. Designation and code name and number.
b. Specific location of Headquarters.
c. Commander's name.
d. Home depot.
e. Table of organization strength.
f. Actual strength, as of latest date for which strength reports have been received.

5. a. In the execution of the provisions of Part I, "General Order No. 1, Military and Naval," relating to disarmament of the Japanese Armed Forces, the Japanese Imperial General Headquarters shall remain responsible for the full and unqualified performance of such disarmament by Japanese Armed Forces.

b. Detailed instructions as to delivery of armaments to the occupation forces will be given directly to Japanese Commanders concerned by:

(1) Commanding General, Eighth United States Army, Commanding General Sixth United States Army and Commanding General, United States Army Forces, KOREA, within their respective areas of responsibility in the case of munition stocks, armaments of the Japanese Army, and Naval and Merchant ships and armaments taken over by Army Forces.

(2) Designated Naval Representatives of the Supreme Commander for the Allied Powers in the case of Naval vessels, shore establishments, supplies and equipment taken over by the United States Navy.

6. a. The Japanese Imperial General Headquarters shall conduct the speedy and orderly demobilization of all Japanese Armed Forces.

b. Processes of demobilization, to include surveillance, rate of discharge of personnel and designation of units for demobilization, are subject to supervision by the Commander of the Occupation Forces in the area in which units are to be demobilized.

7. The Japanese Imperial General Headquarters is responsible for continuing the maintenance

and administration of Japanese Armed Forces until demobilized, and for the maintenance and preservation of all records and archives until relieved of this responsibility by Allied Representatives

8 The Japanese Imperial General Headquarters shall issue instructions,

a That the following tasks be accomplished without delay.

(1) All boom defenses at all ports and harbors will be opened and kept open; they will be removed within fourteen (14) days

(2) All controlled minefields at all ports and harbors will be disconnected and rendered harmless

(3) All demolition charges in all ports and harbors will be removed, or rendered harmless and their presence clearly marked

b That all aids to sea and air navigation be re-established Pending the accomplishment of this task, the existing war system of navigational lighting will be maintained except that all dimmed lights will be shown at full brillancy

c That all pilotage services continue to operate and all pilots, equipped with charts, remain at their normal stations ready for service

d That Japanese personnel concerned in the operation of sea and air ports remain at their stations and continue to carry out their normal duties pending further instructions

e That all warships and merchant ships whether in port or at sea immediately train all weapons fore and aft and render them inoperative

9 The Japanese Imperial General Headquarters shall direct that, except as may be required otherwise in the execution of tasks assigned by Allied representatives, all personnel in Japanese warships, auxiliaries, merchant ships, and other craft remain on board their ships pending further instructions

10. The Japanese Imperial General Headquarters will deliver to the Supreme Commander for the [illegible]

c A list of all hospital ships giving location, condition, and bed capacity

d. Ten copies each of the latest published editions of all nautical and aviation charts and other hydrographic publications of whatever classification, covering the main islands of JAPAN and adjacent Islands, the RYUKYUS, CHINA, KOREA, and other territory occupied by the Japanese

e Triangulation and tidal data for the MARIANAS and CAROLINE ISLANDS

11 The Japanese Imperial Government and the Japanese Imperial General Headquarters will deliver to the Supreme Commander for the Allied Powers within 21 days the following maps and documents

[illegible]

pending further instructions by the Supreme Commander for the Allied Powers, as to their ultimate disposition

b. Two copies each of all records of geodetic positions and descriptions of triangulation stations and bench marks established in connection with topographic surveys of JAPAN, KOREA, CHINA and MANCHURIA and all other areas occupied by Japanese military and naval forces.

c All survey data of the PHILIPPINE ISLANDS captured by the Japanese Forces during their occupation of MANILA.

12. Immediate steps will be taken to mark clearly all mines, minefields, and other obstacles to movement by land, sea, and air, wherever located in the area covered by this Directive.

13 The Japanese Imperial General Headquarters will insure that all minesweeping vessels immediately carry out prescribed measures of disarmament, fuel as necessary, and remain available for minesweeping service. Submarine mines in Japanese and Korean waters will be swept as directed by desig-

nated Naval Representatives of the Supreme Commander for the Allied Powers.

14. All Japanese land mines, land minefields, and other obstacles to include demolition charges, concealed explosives, and booby-traps, shall be made safe, and shall be removed at the earliest practicable date. Pending completion of the foregoing, all safety lanes shall be clearly marked and kept open.

15. The Japanese Imperial Government and the Japanese Imperial General Headquarters will insure that:

a. Arrangements are made to provide on call by the Supreme Commander for the Allied Powers complete information with respect to:

(1) All overseas international electrical communication facilities including cables, radio telegraph, radio telephone and radio broadcasting facilities.

(2) All long distance and main line electrical communication facilities interconnecting the principal points on HOKKAIDO, HONSHU, SHIKOKU, KYUSHU, KOREA and FORMOSA and the RYUKYUS and KURILE ISLAND groups.

b. All overseas international and internal electrical communication facilities (including cables, radio telegraph, radio telephone and radio broadcasting facilities) in the area covered by this Directive are maintained intact and continued in operation with the existing personnel (whether military, naval and/or civilian).

c. Access is provided upon demand by the representatives of the Supreme Commander for the Allied Powers to the above-mentioned facilities for such censorship and supervision as circumstances may dictate to be necessary.

d. The senior representatives of the Government, civil, air, naval and military signal communication agencies are made available on call to the Chief Signal Officer on the staff of the Supreme Commander for the Allied Powers for instructions.

16. The Japanese Imperial General Headquarters will submit a report to the Supreme Commander for the Allied Powers without delay, furnishing the following information:

a. Detailed statement regarding health of the Japanese Armed Forces.

b. A station list of field and fixed hospitals controlled by the Japanese Armed Forces, showing location of each hospital and capacity in beds.

17. The Japanese Imperial Government will insure that the names of all towns, municipalities, and cities are posted in English on both sides of each intercity highway entrance and on railroad station platforms, using letters at least six (6) inches high. Transcription of names into English shall be in accord with the Modified Hepburn (Romaji) system.

18. The Japanese Imperial General Headquarters will make available on demand detailed information concerning recruiting and discharge methods employed in the Japanese Armed Forces.

Part III—Allied Prisoners of War and Civilian Internees

1. a. The term "Prisoners of War" as used herein shall be construed as including all personnel held in Japanese custody:

(1) Who are or have been members of, or persons accompanying or serving with, the armed forces of any of the United Nations, or

(2) Who, as members of the armed forces of countries occupied by Japan, have been captured by the Japanese while engaged in serving the cause of the United Nations, and who, under terms of the Geneva (Prisoner of War) Convention of 27 July 1929, are entitled to be treated as prisoners of war even though such convention was not ratified by Japan, or

(3) Who are or have been members of or serving with the merchant marine of any of the United Nations.

(4) The term "Prisoners of War" does not include such personnel who, although formerly in Japanese custody as Prisoners of War, have accepted release from the status in exchange for employment in or by Japan.

b. The term "Civilian Internees" as used herein shall be construed as including all persons without military status, detained by the Japanese Government, who are not nationals of the Japanese Empire as constituted on 10 July 1937.

c. The term "Prisoner of War and Civilian Internee Camp" as used herein shall be construed as including any camp, prison, ship, billet, hospital or other place of confinement or detention of Prisoners of War or Civilian Internees.

d. The term "Camp Commander" as used herein shall be construed to include the commanding officer of any unit, detachment, or other element of the Japanese Armed Forces or their Auxiliaries or any civil warden or other official charged with the custody of Prisoners of War or Civilian Internees.

2 The Japanese Imperial Government and the Japanese Imperial General Headquarters shall furnish to the Supreme Commander for the Allied Powers within forty-eight (48) hours the following information, if not heretofore submitted·

a. A list of Prisoner of War and Civilian Internees Camps as defined in paragraph 1 above,

(5) Geographical location of nearest railway station

(6) Name and geographical location, dimensions, and condition of runways of nearest airfield

(7) Approximate number of Prisoners of War or Civilian Internees requiring hospitalization

b A marked map or maps of 1 1,000,000 scale on which the location of each camp is accurately plotted.

c Marked maps of 1 100,000 or larger scale of each area in which Prisoner of War and Civilian Internee Camps are located, showing accurately the location of each camp

3 The Japanese Imperial Government and the Japanese Imperial General Headquarters upon receipt of this Directive shall dispatch to each Camp Commander by the most rapid means available the following instructions

a. Assemble all Prisoners of War and Civilian Internees at the earliest opportunity and read the following statement in English and such other languages as may be required

"The formal surrender of Japan to the Allied Powers was signed on 2 September 1945 General of the Army Douglas MacArthur has been named Supreme Commander for the Allied Powers. United Nations Forces are proceeding as rapidly as possible with the occupation of the Japanese Home Islands and Korea The relief and recovery of Allied Prisoners of War and Civilian Internees will be accomplished with all possible speed.

"Pending the arrival of Allied Representatives the command of this camp and its equipment, stores, records, arms, and ammunition are to be turned over to the Senior Prisoner of War or a

moval and eventual return to your homes "

b Turn over complete control of the camp to the Senior Prisoner of War or Civilian Internee, together with all equipment, stores, administrative and other records, arms, and ammunition, less such items as may be designated by the Senior Prisoner of War or Civilian Internee for the use of the Japanese Camp Officials in the discharge of their functions as specified below.

c. Under the supervision of the Senior Prisoner of War or designated Civilian Internee, discharge the necessary administrative and supply functions, to include requisition of government or military stocks available locally, to insure·

(1) Rations equivalent to the highest scale available locally to Japanese Armed Forces or civilian personnel

specified herein.

e Maintain camp organization intact and account to the Senior Prisoner of War or Civilian Internee for all camp personnel, camp administrative records, rosters, and records of transfer, hospital-

ization, and decease of individual Prisoners of War and Civilian Internees who are or have been confined in the camp.

f. Be prepared to supply, or to requisition from local government or military sources, transportation and supplies and to accomplish administrative arrangements for such movement of Prisoners of War and Civilian Internees as may be directed locally by Allied Representatives.

g. Under the supervision of the Senior Prisoner of War or Civilian Internee, prepare and dispatch the following information to the Supreme Commander for the Allied Powers through the Japanese Imperial General Headquarters:

(1) Complete lists of all Prisoners of War and Civilian Internees present, showing names, rank or position, nationality, next of kin, home address, age, sex, and physical condition.

(2) Extracts from available records on deceased or transferred Prisoners of War and Civilian Internees, showing name, rank or position, nationality, next of kin, home address, date of death or transfer, and destination or in the case of deceased persons, place of burial.

4. The Japanese Imperial General Headquarters shall transmit to the Supreme Commander for the Allied Powers without delay all information forwarded by Camp Commanders in response to the instructions specified in paragraph 3g., above.

Part IV—Resources

1. *General*

The Japanese Imperial Government will place at the disposal of the Occupation Forces of the Allied Powers all local resources required for their use as directed by authorized representatives of the Supreme Commander for the Allied Powers, or the Commanders of Occupation Forces within their respective areas.

2. *Control*

The Japanese Imperial Government will establish one central agency and required sub-agencies in each of the major occupied areas, whose primary function will be to provide information concerning, and to receive requisitions for, areas and facilities required for occupation forces.

3. *Petroleum*

Provisions will be made to furnish Allied Occupation Forces with petroleum products, storage and distribution facilities as required to the limit of availability. Specific requirements will be submitted at a later date.

4. *Labor*

a. Labor Supply

The Japanese Imperial Government will provide, through central government agencies established in each of the major occupied areas, labor in quantities and with the training and skills and at the time and place designated by the Supreme Commander for the Allied Powers, or the Commanders of the Occupation Forces within their respective areas. The agencies supplying labor will insofar as possible maintain the integrity of working groups such as construction gangs and longshoremen teams in order to secure maximum efficiency in control and production.

b. Labor Requirements

Labor requirements supplied by the Japanese Imperial Government for the Occupation Forces will include the following:

(1) General labor.
(2) Technical and semiskilled labor.
(3) Stevedoring and cargo handling.
(4) Repair of roads, railroads, docks and other facilities.
(5) Construction of housing and related facilities for Allied Occupation Forces.

5. *Housing*

The Japanese Imperial Government will be prepared to furnish to the Occupation Forces all buildings suitable for and required by these forces. Requirements will include the following general categories: Office buildings, hospitals, living quarters, warehousing and storage, shops, transportation and communication installations. Specific requirements will be submitted at a later date.

Buildings will, insofar as possible, be of fireproof construction, equipped with running water, sewage disposal facilities, electricity, heating plants and situated on all-weather access roads

6. *Airfields*

Selected airfields will be made available to Occupation Forces as required. The runways, dispersal areas and service aprons will be cleared of Japanese planes and the runways improved, if required, to provide a hard surfaced landing area of maximum proportions with a minimum length of 5,000 feet Passenger and freight terminals, maintenance, servicing and communications facilities will be made available at each field All Japanese aircraft and equipment will be safeguarded pending further instructions Complete lists of all types of serviceable operating and maintenance equipment, and facilities, will be prepared by type and areas and presented to Allied Representatives upon demand

Part V—Miscellaneous

1. The Japanese Imperial General Headquarters will make immediately available in the TOKYO area, to the Chief Signal Officer on the staff of the Supreme Commander for the Allied Powers, a

3 All agencies, civil and military, engaged in the collection, dissemination, and recording of weather information will continue normal operation pending further instructions All meteorological data files and all equipment will be preserved intact A station list of all weather installations will be submitted to the Supreme Commander for the Allied Powers without delay, showing international index numbers, geographical location, and classification (forecast, research, central, or observing)

4 The Japanese Imperial Government shall, without delay, furnish to the Chief Surgeon on the staff of the Supreme Commander for the Allied Powers the following information

a A comprehensive description of public health measures in force, with lists of principal

tions and bed capacities

5 All voice broadcasts for public information, in languages other than the Japanese, will be discontinued forthwith.

By direction of The Supreme Commander for the Allied Powers

(s) R K Sutherland,
(t) R K. Sutherland,
Lieutenant General, U S Army,
Chief of Staff

Distribution

Action	Japanese Imperial General Staff	(5)
"	Japanese Imperial Government	(5)
Information:	Staff, CINCAFPAC	(15)
"	CINCPAC	(5)
"	CG, Eighth Army	(3)
"	CG, Sixth Army	(3)
"	CG, XXIV Corps	(3)
"	CG, FEAF	(1)
"	CG, USASTAF	(1)
"	CG, AFWESPAC	(1)
"	CG, Tenth Army	(1)
"	WARCOS	(8)
"	Com Third Fleet	(3)
"	Com Fifth Fleet	(3)
"	Com Seventh Fleet	(3)

OFFICE OF THE SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
3 September 1945.

Annex B
to
Directive
Number 2

1. The following Annex "B" is herewith appended to Directive Number 2 and shall have the same force and effect and become a part thereof.

2. The Commander-in-Chief, United States Pacific Fleet, with Headquarters at Guam, is designated as the Naval Representative for the Supreme Commander for the Allied Powers within the meaning of Paragraph 2d, Part II, Directive Number 2. A Naval Liaison Group representing the Commander-in-Chief, United States Pacific Fleet, is established in the Office of the Supreme Commander for the Allied Powers, and the senior officer thereof will serve for local and personal contact with the Chief and Representative of the Japanese Imperial General Staff.

3. The Japanese Imperial General Headquarters will, without delay, adjust boundaries of the Japanese Imperial Naval Organization in Japan to correspond to those set forth in Paragraph 1, Part II, Directive Number 2 for the Japanese Imperial Army. The Japanese Imperial General Headquarters will direct the Naval Commanders of the areas thus designated to report to the Commanders, Third United States Fleet and Fifth United States Fleet, as the senior Japanese Imperial Army Headquarters in the same areas are directed to report to the Commanding Generals Sixth and Eighth United States Armies. In the Japanese Naval areas corresponding to those of the Tenth United States Army area and the Twenty-fourth United States Army Corps area, the Japanese Naval Commanders thereof will report to the Commanders, Fifth and Seventh United States Fleets, respectively. The Commanders, Third, Fifth and Seventh United States Fleets, are considered as Naval Representatives of the Supreme Commander for the Allied Powers within the meaning of Paragraph 5b (2), Part II, Directive Number 2.

4. The operation of all Japanese merchant vessels of over one hundred gross tons will be subject to the supervision of the Supreme Commander for the Allied Powers. The Japanese Imperial Government and the Japanese Imperial General Staff will report such vessels fully manned to the Commander-in-Chief, United States Pacific Fleet (or representatives designated by him), who is charged with the direction and supervision of their operation.

5. The terms "Commanders of Occupation Forces," as used in Paragraph 2b, Paragraph 3 and Paragraph 5, Part I, and Paragraph 6b, Part II, of Directive Number 2, will include the Commanders, Third, Fifth and Seventh United States Fleets, within their respective areas of responsibility, relating to Naval Occupation Forces and to disarmament and demobilization of naval units.

Appendix B 1c

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC
PROCLAMATION No 1

To the People of Korea:

As Commander-in-Chief, United States Army Forces, Pacific, I do hereby proclaim as follows

By the terms of the Instrument of Surrender, signed by command and in behalf of the Emperor of Japan and the Japanese Government and by command and in behalf of the Japanese Imperial General Headquarters, the victorious military forces of my command will today occupy the territory of Korea south of 38 degrees north latitude

Having in mind the long enslavement of the people of Korea and the determination that in due course Korea shall become free and independent, the Korean people are assured that the purpose of the Occupation is to enforce the Instrument of Surrender and to protect them in their personal and religious rights In giving effect to these purposes, your active aid and compliance are required

By virtue of the authority vested in me as Commander-in-Chief, United States Army Forces, Pacific, I hereby establish military control over Korea south of 38 degrees north latitude and the inhabitants thereof, and announce the following conditions of the occupation

Article I

All powers of Government over the territory of Korea south of 38 degrees north latitude and the people thereof will be for the present exercised under my authority

Article II

Until further orders, all governmental, public and honorary functionaries and employees, as well [illegible]

Article III

All persons will obey promptly all my orders and orders issued under my authority Acts of resistance to the occupying forces or any acts which may disturb public peace and safety will be punished severely

Article IV

Your property rights will be respected. You will pursue your normal occupations, except as I shall otherwise order

Article V

For all purposes during the military control, English will be the official language. In event of any ambiguity or diversity of interpretation or definition between any English and Korean or Japanese text, the English text shall prevail

Article VI

Further proclamations, ordinances, regulation, notices, directives and enactments will be issued by me or under my authority, and will specify what is required of you

Given under my hand at Yokohama this seventh day of September 1945

DOUGLAS MACARTHUR,
General of the Army of the United States
Commander-in-Chief, United States Army Forces, Pacific

Appendix B: 1d

General Headquarters
Supreme Commander for the Allied Powers

14 October 1945.

AG 388.3 (10 Oct 45) DCSO
(SCAPIN 137)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Demobilization, Japanese Armed Forces.

Attached plan for completion of demobilization of Japanese Armed Forces, submitted by you on 2 October 1945, is approved by the Supreme Commander for the Allied Powers subject to the following provisions:

a. The several dates listed in the plan for completion of phases of demobilization are regarded as absolute maxima which will not be exceeded.

b. Japanese authorities concerned will exert every effort to advance dates listed wherever such action becomes practicable.

c. Japanese authorities concerned will be prepared to render an accounting to Allied representatives upon demand concerning those phases of demobilization for which they are responsible, and to show cause why dates of completion currently projected may not be advanced.

For the Supreme Commander:

(S) H. W. Allen,
H. W. Allen,
Colonel, A.G.D.,
Assistant Adjutant General.

1 Incl:
Demobilization Plan.
Copies to:

WARCOS (5)	G-1
CINCPAC (2)	G-2
CG Sixth Army	G-3
CG Eighth Army	G-4
CG XXIV Corps	CIE
Central Liaison Office (Tokyo)	Govt Sec
C/S	Political Adv
Dep Chief of Staff for Opns	FLOSCAP

Appendix B 1c

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
1 June 1946

AG 388 3 (1 June 46) DCS
(SCAPIN 993)
Memorandum for. Imperial Japanese Government.
Through Central Liaison Office, Tokyo.
Subject· Establishment of Demobilization Board.

1 Reference is made to Memorandum from Imperial Japanese Government, C L O No 2473 (PP) subject: "Outline for Establishment of Demobilization Board," 22 May 1946.

2 The structural changes of the Demobilization Ministries to Bureaus are approved by the Supreme Commander for the Allied Powers

3 No exceptions to the provisions of Memorandum for the Imperial Japanese Government, AG 388 3 (10 Oct 45) DCSO Subject "Demobilization, Japanese Armed Forces," 14 October 1945, are to be made.

FOR THE SUPREME COMMANDER

(S) B M Fitch,
B M FITCH,
Brigadier General, AGD,
Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
4 October 1947.

AG 091.1 (4 Oct 47) GS
(SCAPIN 1791)
Memorandum for: Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Demobilization Machinery, Reorganization of.

1. The Japanese Government is directed to transfer the First Demobilization Bureau (including all local agencies under its operational control, such as Home Depot Bureau, Demobilization Liaison Offices and their branches) intact to the jurisdiction and control of the Welfare Ministry, the transfer to be completed on or before 15 October 1947. Upon completion of the transfer, the Welfare Ministry will be responsible for the operation of the First Demobilization Bureau and all activities currently being carried out by such Bureau. After such transfer, demobilization will continue to be carried out in consonance with the program and processes of demobilization provided for in the memorandum for the Japanese Government, AG 388.3 (10 Oct 45) DCSO, subject, "Demobilization, Japanese Armed Forces," memorandum AG 388.3 (1 June 46) DCS (SCAPIN 993), subject, "Establishment of Demobilization Board," and memorandum AG 091.1 (24 Jan. 47) GB (SCAPIN 1483), subject, "Personnel Reduction Demobilization Board." In accomplishing this transfer the Japanese Government is authorized to transfer to the Welfare Ministry personnel, records, accounts, and other matters now used by or assigned to the First Demobilization Bureau and local agencies under its operational control. Transfer of personnel will not be construed as requiring any additional screening or further application of SCAPIN 550 beyond requirements already imposed by existing directives and instructions of the Supreme Commander for the Allied Powers.

2. The Japanese Government is further directed to undertake a complete and comprehensive study and survey of the organization, personnel, functions, and operating procedures of all boards, bureaus, and agencies of the Japanese Government now engaged in or charged with responsibility for demobilization, repatriation, investigation, or research of matters pertaining to the war or personnel serving in the Japanese armed forces or in any manner connected with former Japanese military organizations and to submit not later than 1 January 1948 to the Supreme Commander for the Allied Powers for approval, a detailed plan for the effective ultimate elimination of separate demobilization agencies and the efficient and gradual absorption of all necessary remaining functions and operations connected with demobilization and demilitarization into the permanent administrative structure of the Japanese Government. Implementation of such plan shall in no event be undertaken until the Supreme Commander for the Allied Powers has given final written approval but such plan will be so devised as to initiate such elimination and absorption within four months after the date of submission. Such plan will insure the continued efficient execution of existing directives and instructions of the Supreme Commander for the Allied Powers relating to demobilization and demilitarization. Such plan will provide for the control of the policies of agencies thereafter engaged in demilitarization and demobilization by persons not subject to the provisions of SCAPIN 550 and will insure the speedy elimination of remaining ex-military officers subject to SCAPIN 550, approval for whose retention has not been specifically granted in each individual case by the Supreme Commander for the Allied Powers.

3. The Japanese Government is further directed to accomplish by 1 January 1948, unless otherwise directed by the Supreme Commander for the Allied Powers, the complete elimination of the Second Demobilization Bureau. Minesweeping and other operational responsibilities of the Second Demobilization Bureau will continue to be discharged under the direct supervision and control of Commander, United States Naval Forces Far East until such time. Necessary remaining functions and personnel will be transferred on or before such date to the jurisdiction of and will become a part of the responsibility of the Welfare Ministry or to such other agency as the Supreme Commander for the Allied Powers shall designate, but only such functions and personnel shall be transferred as the Supreme Commander for the Allied Powers shall approve.

4. Direct liaison between the demobilization agencies on the one hand and the agencies of the Occupation Forces primarily concerned with the operations of the demobilization agencies on the other hand, will continue to be maintained, and nothing in this directive will be construed as abrogating such existing direct relationships.

5 The Japanese Government is advised that nothing contained in this directive will be construed as authorizing any delay or interruption of the discharge of the responsibilities of the Japanese Government in carrying out the directives and instructions of the Supreme Commander, with especial reference to the continued smooth functions of demobilization, repatriation, demilitarization, minesweeping, and other and related activities Nothing contained in this memorandum shall be construed to authorize the retention or employment of any personnel not now employed by the First Demobilization Bureau without the specific prior approval of the Supreme Commander for the Allied Powers under the terms and conditions of SCAPIN 550

6. The Japanese Government is further directed to report on or before 15 October 1947 the steps which it plans to take in order to accomplish the transfer of the First Demobilization Bureau and related activities to the Welfare Ministry as herein directed but no approval by the Supreme Commander for the Allied Powers of such plans shall be required in advance

7 Inquiries concerning this directive shall be submitted to the Supreme Commander for the Allied Powers only in writing and through the Central Liaison Office

FOR THE SUPREME COMMANDER:

(S) R M Levy,
R M LEVY,
Colonel, AGD, Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
10 January 1948.

[illegible] Government.
[illegible] Office, Tokyo.
[illegible] position of Second Demobilization Bureau.

[illegible] Commander for the Allied [illegible]ers Memora[illegible] AG 091.1 (4 Oct 47) GS
[illegible] 1947, subject: "Dem[illegible]ion Mach[illegible]rganization of."
[illegible] Office No. 9732 ([illegible] 22 Dec[illegible] subject: Plan for
[illegible] Bureau, with th[illegible]es.
[illegible] Office No. 9867 (PP [illegible] 7 Decem[illegible]ection
[illegible] Second Demobilization Burea[illegible]orrection
[illegible] der reference 2 as correc[illegible]erence 3 i[illegible]

[illegible] COMMANDER:

R. M. [illegible]
R. M. [illegible]
[illegible]lonel, [illegible]

The Gaimusho
Tokyo

MEMORANDUM

1 The Japanese Government has received the directive of October 25, directing the Japanese Government to turn over to the Allied Powers all Japanese diplomatic and consular property and archives under the protection of the Powers representing Japanese interests, and to instruct the Japanese missions in neutral countries to turn over all Japanese diplomatic and consular property and archives to the Allied Powers and to recall immediately all diplomatic and consular representatives in those countries

Upon receipt of the request made on August 15 by the American Government through the Government of Switzerland to turn over all Japanese diplomatic and consular property and archives [illegible]

such procedure for the same reason as above. Now before hearing any word from the Allied Powers as to their views on the matter, the Japanese Government has been suddenly presented with the said directive

Under the circumstances, the Japanese Government begs respectfully for information on the best ways of ensuring a more faithful execution of the terms of the Surrender Instrument so as to recover Japan's position among nations

2 The Japanese Government is devoting its best effort toward a full and speedy fulfilment of the terms of the Instrument of Surrender It has sent instructions to all its representatives in neutral countries to abide strictly and faithfully by the terms of both the Potsdam Declaration and the Instrument of Surrender, and it is satisfied that so far the activities of its representatives have all conformed to the said instructions

Now these Japanese representatives have been instructed to suspend their functions and to return home However, the Japanese Government regrets that the present measure means an actual sever- [illegible]

It is earnestly desired, therefore, that when the Allied Powers have investigated the activities of these Japanese representatives and when it has been clearly established that their presence in neutral countries will not be harmful to the Allied Powers, the Japanese Government hopes these representatives will be enabled to resume their normal routine functions as before It is hoped that the Supreme Commander will be good enough to convey the desire of the Japanese Government to the Allied Powers

Appendix B: 1g

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
10 January 1948.

AG 320 (10 Jan 48) GS
(SCAPIN 1843)
Memorandum for: Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Plan for Abolition of Second Demobilization Bureau.

1. Reference Supreme Commander for the Allied Powers Memorandum AG 091.1 (4 Oct 47) GS (SCAPIN 1791) dated 4 October 1947, subject: "Demobilization Machinery, Reorganization of."

2. Reference Central Liaison Office No. 9732 (PP) dated 22 December 1947, subject: Plan for Abolition of Second Demobilization Bureau, with three inclosures.

3. Reference Central Liaison Office No. 9867 (PP) dated 27 December 1947, subject: Correction of Plan for Abolition of Second Demobilization Bureau, with correction sheets attached.

4. The plan submitted under reference 2 as corrected by reference 3 is approved.

FOR THE SUPREME COMMANDER:

(S) R. M. Levy,
R. M. LEVY,
Colonel, AGD, Adjutant General.

The Gaimusho
Tokyo

MEMORANDUM

1 The Japanese Government has received the directive of October 25, directing the Japanese Government to turn over to the Allied Powers all Japanese diplomatic and consular property and archives under the protection of the Powers representing Japanese interests, and to instruct the Japanese missions in neutral countries to turn over all Japanese diplomatic and consular property and archives to the Allied Powers and to recall immediately all diplomatic and consular representatives in those countries.

Upon receipt of the request made on August 15 by the American Government through the Government of Switzerland to turn over all Japanese diplomatic and consular property and archives abroad, the Japanese Government sent a reply, regretting its inability to comply with the said request which, according to its opinion, did not come under any of the terms of the Potsdam Declaration accepted by Japan The Japanese Government felt itself justified in believing that its attitude re- [illegible] such procedure for the same reason as above Now before hearing any word from the Allied Powers as to their views on the matter, the Japanese Government has been suddenly presented with the said directive

Under the circumstances, the Japanese Government begs respectfully for information on the best ways of ensuring a more faithful execution of the terms of the Surrender Instrument so as to recover Japan's position among nations

2 The Japanese Government is devoting its best effort toward a full and speedy fulfilment of the terms of the Instrument of Surrender It has sent instructions to all its representatives in neutral countries to abide strictly and faithfully by the terms of both the Potsdam Declaration and the Instrument of Surrender, and it is satisfied that so far the activities of its representatives have all conformed to the said instructions

Now these Japanese representatives have been instructed to suspend their functions and to return home. However, the Japanese Government regrets that the present measure means an actual severance of diplomatic relations between Japan and those countries with which she maintains friendly relations, and that it constitutes a step backward from the goal of cementing amicable relations among nations and securing peace to the world

It is earnestly desired, therefore, that when the Allied Powers have investigated the activities of these Japanese representatives and when it has been clearly established that their presence in neutral countries will not be harmful to the Allied Powers, the Japanese Government hopes these representatives will be enabled to resume their normal routine functions as before It is hoped that the Supreme Commander will be good enough to convey the desire of the Japanese Government to the Allied Powers

2. CIVIL LIBERTIES

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS

10 September 1945.

SCAPIN 16
Memorandum for: The Imperial Japanese Government.
Through: Yokahama Liaison Office.
From: The Supreme Commander for the Allied Powers.

1. The Japanese Imperial Government will issue the necessary orders to prevent dissemination of news, through newspapers, radio broadcasting or other means of publication, which fails to adhere to the truth or which disturbs public tranquility.

2. The Supreme Commander for the Allied Powers has decreed that there shall be an absolute minimum of restrictions upon freedom of speech. Freedom of discussion of matters affecting the future of Japan is encouraged by the Allied Powers, unless such discussion is harmful to the efforts of Japan to emerge from defeat as a new nation entitled to a place among the peace-loving nations of the world.

3. Subjects which cannot be discussed include Allied troop movements which have not been officially released, false or destructive criticism of the Allied Powers, and rumors.

4. For the time being, radio broadcasts will be primarily of a news, musical and entertainment nature. News, commentation and informational broadcasts will be limited to those originating at Radio Tokyo studios.

5. The Supreme Commander will suspend any publication or radio station which publishes information that fails to adhere to the truth or disturbs public tranquility.

FOR THE SUPREME COMMANDER:

(s) Harold Fair,
(t) HAROLD FAIR,
Lt Col., A.G.D.,
Asst. Adjutant General

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS

24 September 1945

AG 000 76 (24 Sep 45) CI
SCAPIN 51

Memorandum for: Imperial Japanese Government.
Through Central Liaison Office, Tokyo
Subject Disassociation of Press from Government

1. In order further to encourage liberal tendencies in Japan and establish free access to the news sources of the world, steps will be taken by the Japanese government forthwith to eliminate government-created barriers to dissemination of news and to remove itself from direct or indirect control of newspapers and news agencies

2 No preferential treatment will be accorded to any news service now existing or which may be created Foreign news services of all nations will be permitted to serve the press of Japan to the extent that press desires.

(foreign news) by any agency except the Ministry of Communications Interception by any agency of radio news broadcast by the United Nations as a public service will be permitted The property rights of news transmitted by recognized press services will be observed

5 The present system of distribution of news within the home islands will be permitted under strict censorship until such time as private enterprise creates acceptable substitutes for the present monopoly

FOR THE SUPREME COMMANDER:

(s) Harold Fair,
(t) HAROLD FAIR,
Lt Colonel, A G D , Asst Adjutant General

Appendix B: 2c

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS

27 September 1945.

AG 000.76 (27 Sep 45) CI
(SCAPIN 66)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Further Steps toward Freedom of Press and Speech.

1. The Japanese government forthwith will render inoperative the procedures for enforcement of peace-time and war-time restrictions on freedom of the press and freedom of communications.

2. Only such restrictions as are specifically approved by the Supreme Commander will be permitted in censorship of newspapers and other publications, wireless and trans-oceanic telephone, cable, internal telephone and telegraph, mail, motion pictures or any other form of the written or spoken word.

3. Pending repeal of laws imposing restrictions which have given the government complete control of all channels of expression of public opinion, their enforcement shall be suspended.

4. No punitive action shall be taken by the Japanese government against any newspaper or its publisher or employees for whatever policy or opinion it may express, unless ordered by the Supreme Commander on the basis of publication of false news or reports disturbing public tranquility. The power of the government to revoke permission to publish, to arrest without prior approval of the Supreme Commander, to impose fines on publications and to curtail paper supplies as a punishment for editorial comment shall not be exercised.

5. Compulsory organizations of publishers and writers will be discontinued and voluntary organization will be encouraged.

6. No press bans will be issued by any government agency and no pressure, direct or indirect, will be exerted on any medium to compel it to conform to any editorial policy not its own.

7. Steps shall be taken to repeal such parts of existing peace-time and war-time laws as are inconsistent with the Supreme Commander's directives of 10 September 1945 relating to dissemination of news, and of 24 September 1945 relating to disassociation of press from government; subject laws including:

a. Shimbunshi-Ho.
b. Kokka Sodoin-Ho.
c. Shimbunshi-To-Keizai-Seigenrei.
d. Shimbun-Jigyo-Rei.
e. Genron, Shuppan, Shukai, Kessha Rinji Torishimari-Ho.
f. Genron, Shuppan, Shukai, Kessha To Rinji Torishimari-Ho Shiko Kisoku.
g. Senji Keiji Tokubetsu-Ho.
h. Kokubo Hoan-Ho.
i. Gunki Hego Ho.
j. Fuon Bunsho Torishimari-Ho.
k. Gunyo Shigen Himitsu Hogo Ho.
l. Juyo Sangyo Dantai Rei Oyobi Juyo Sangyo Dantai Rei Shiko Kisoku.

8. A report will be submitted to the Supreme Commander on the first and the sixteenth day of each month describing in detail the progressive steps taken by the Japanese government to comply with this order and the orders of 10 September and 24 September.

FOR THE SUPREME COMMANDER:

(s) Harold Fair,
(t) HAROLD FAIR,
Lt Colonel, A.G.D.,
Asst. Adjutant General.

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS

4 October 1945

(SCAPIN 93)
Memorandum for Imperial Japanese Government.
Through Central Liaison Office, Tokyo.

[illegible]

orders, ordinances and regulations which

(1) Establish or maintain restrictions on freedom of thought, of religion, of assembly and of speech, including the unrestricted discussion of the Emperor, the Imperial Institution and the Imperial Japanese Government

(2) Establish or maintain restrictions on the collection and dissemination of information

(3) By their terms or their application, operate unequally in favor of or against any person by reason of race, nationality, creed or political opinion

b The enactments covered in paragraph a, above, shall include but shall not be limited to, the following

(1) The Peace Preservation Law (Chian Iji Hō, Law No. 54 of 1941, promulgated on or about 10 March 1941)

(2) [illegible]

[illegible] about 14 November 1936)

(4) Ordinance Establishing Protection and Surveillance Stations, (Hogo Kansoku-Jo Kansei, Imperial Ordinance No 403 of 1936, issued on or about 14 November 1936).

(5) The Precautionary Detention Procedure Order (Yobo Kokin Tetsuzuki Rei, Ministry of Justice Order, Shihosho Rei, No 49, issued on or about 14 May 1941)

(6) [illegible] Kokin [illegible] No. [illegible]

(8) National Defense and Peace Preservation Law Enforcement Order (Kokubo Hoan Ho Shiko Rei, Imperial Ordinance No 542 of 1941, issued on or about 7 May 1941)

(9) Regulations for Appointment of Lawyers Under Peace Preservation Laws (Bengoshi Shitei Kitei, Ministry of Justice Order, Shihosho Rei, No 47 of 1941, issued on or about 9 May 1941)

(10) [illegible]

issued on or about 24 June 1939)

(12) Regulations for the Enforcement of the Law of Safeguarding Secrets of Military Material Resources (Gunyo Shigen Himitsu Hogo Ho Shiko Kisoku, Ministries of War and Navy [illegible]

[illegible] on or about [illegible]

(16) All laws, decrees, orders, ordinances and regulations amending, [illegible] or implementing the foregoing enactments.

c. Release immediately all persons now detained, imprisoned, under "protection or surveillance," or whose freedom is restricted in any other manner who have been placed in that state of detention, imprisonment, "protection and surveillance," or restriction of freedom:

(1) Under the enactments referred to in paragraph 1 a and b above.

(2) Without charge.

(3) By charging them technically with a minor offense, when, in reality, the reason for detention, imprisonment, "protection and surveillance," or restriction of freedom, was because of their thought, speech, religion, political beliefs, or assembly.

The release of all such persons will be accomplished by 10 October 1945.

d. Abolish all organizations or agencies created to carry out the provisions of the enactments referred to in paragraph 1 a and b above and that part of, or functions of, other offices or subdivisions of other civil departments and organs which supplement or assist them in the execution of such provisions. These include, but are not limited to:

(1) All secret police organs.

(2) Those departments in the Ministry of Home Affairs such as the Bureau of Police, charged with supervision of publications, supervision of public meetings and organizations, censorship of motion pictures, and such other departments concerned with the control of thought, speech, religion or assembly.

(3) Those departments, such as the Special Higher Police (Tokubetsu Koto Koisatsu Bu), in the Tokyo Metropolitan Police, the Osaka Metropolitan Police, any other Metropolitan Police, the police of the territorial administration of Hokkaido and the various Prefectural police charged with supervision of publications, supervision of public meetings and organizations, censorship of motion pictures, and such other departments concerned with the control of thought, speech, religion or assembly.

(4) Those departments, such as the Protection and Surveillance Commission, and all protection and surveillance stations responsible thereto, under the Ministry of Justice charged with Protection and Surveillance and control of thought, speech, religion, or assembly.

e. Remove from office and employment the Minister of Home Affairs, the Chief of the Bureau of Police of the Ministry of Home Affairs, the Chief of the Tokyo Metropolitan Police Board, the Chief of Osaka Metropolitan Police Board, the Chief of any other Metropolitan police, the Chief of the Police of the Territorial Administration of Hokkaido, the Chiefs of each Prefectural Police Department, the entire personnel of the Special Higher Police of all Metropolitan, Territorial, and Prefectural police departments, the Guiding and Protecting officials and all other personnel of the Protection and Surveillance Commission and of the Protection and Surveillance Stations. None of the above persons will be reappointed to any position under the Ministry of Home Affairs, the Ministry of Justice or any police organ in Japan. Any of the above persons whose assistance is required to accomplish the provisions of this directive will be retained until the directive is accomplished and then dismissed.

f. Prohibit any further activity by police officials, members of police forces, and other government, national or local, officials or employees which is related to the enactments referred to in paragraph 1 a and b above and to the organs and functions abolished by paragraph 1 d above.

g. Prohibit the physical punishment and mistreatment of all persons detained, imprisoned, or under protection and surveillance under any and all Japanese enactments, laws, decrees, orders, ordinances and regulations. All such persons will receive at all times ample sustenance.

h. Ensure the security and preservation of all records and any and all other materials of the organs abolished in paragraph 1 d. These records may be used to accomplish the provisions of this directive, but will not be destroyed, removed, or tampered with in any way.

i. Submit a comprehensive report to this Headquarters not later than 15 October 1945 describing in detail all action taken to comply with all provisions of this directive. This report will contain the following specific information prepared in the form of separate supplementary reports:

(1) Information concerning persons released in accordance with paragraph 1 c above. (to be grouped by Prison or institution in which held or from which released or by office controlling their protection and surveillance)

(a) Name of person released from detention or imprisonment or person released from protection and surveillance, his age, nationality, race and occupation.

(b) Specification of criminal charges against each person released from detention or

imprisonment or reason for which each person was placed under protection and surveillance.

(c) Date of release and contemplated address of each person released from detention or imprisonment or from protection and surveillance

(2) Information concerning organizations abolished under the provisions of this directive

(a) Name of organization

(b) Name, address, and title of position of persons dismissed in accordance with paragraph 1 e.

(c) Description by type and location of all files, records, reports, and any and all other materials.

(3) Information concerning the Prison System and Prison Personnel.

(a) Organization chart of the Prison System

(b) Names and Location of all prisons, detention centers and jails

(c) Names, rank and title of all prison officials (Governors and Assistant Governors, Chief and Assistant Chief Warders, Warders and Prison doctors)

(4) Copies of all orders issued by the Japanese Government including those issued by the Governors of Prisons and Prefectural Officials in effectuating the provisions of this directive

2 All officials and subordinates of the Japanese Government affected by the terms of this directive will be held personally responsible and strictly accountable for compliance with and adherence to the spirit and letter of this directive

FOR THE SUPREME COMMANDER

H. W. ALLEN,
Colonel, A G.D ,
Assistant Adjutant General.

Appendix B: 2e

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

19 December 1945.

AG 014.4 (19 Dec 45) CIS
(SCAPIN 458)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Restoration of Electoral Rights to Released Political Prisoners.

The Imperial Japanese Government shall immediately take such legal or administrative action as may be required to:

a. Restore the right to vote and the right to hold public office to:

(1) All persons who were ordered to be released from detention, imprisonment, or protection and surveillance by the terms of the "Memorandum for the Imperial Japanese Government," subject: "Removal of Restrictions on Political, Civil and Religious Liberties" dated 4 October 1945.

(2) All persons detained, imprisoned, or under protection and surveillance for violation of the laws, decrees, orders, ordinances, and regulations referred to in the memorandum above described who were released from such restriction prior to 4 October 1945.

Note.—This restoration of political rights shall be effected by providing and publicizing the necessary procedures for late registration and waiver of established residence requirements.

b. Notify not later than 31 December 1945 all persons affected by the terms of this directive that their electoral rights have been restored and specify the procedure which they shall observe to register and/or file candidacy for public office.

FOR THE SUPREME COMMANDER:

H. W. ALLEN,
Colonel, A.G.D.,
Asst. Adjutant General.

3. DISESTABLISHMENT OF STATE RELIGION

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

15 December 1945.

AG 000 3 (15 Dec 45) CIE
(SCAPIN 448)
Memorandum for: Imperial Japanese Government
Through: Central Liaison Office, Tokyo
Subject: Abolition of Governmental Sponsorship, Support, [illegible], Control, and [illegible]

1. [illegible]

In order to lift from the Japanese people the burden of compulsory financial support of an ideology which has contributed to their war guilt, defeat, suffering, privation, and present deplorable condition, and

In order to prevent a recurrence of the perversion of Shinto theory and beliefs into militaristic and ultra-nationalistic propaganda designed to delude the Japanese people and lead them into wars of aggression, and

In order to assist the Japanese people in a rededication of their national life to building a new Japan based upon ideals of perpetual peace and democracy,

It is hereby directed that:

[illegible]

(1) While no financial support from public funds will be extended to shrines located on public reservations or parks, this prohibition will not be construed to preclude the Japanese Government from continuing to support the areas on which such shrines are located.

(2) Private financial support of all Shinto shrines which have been previously supported in whole or in part by public funds will be permitted, provided such private support is entirely voluntary and is in no way derived from forced or involuntary contributions.

c. All propagation and dissemination of militaristic and ultra-nationalistic ideology in Shinto doctrines, practices, rites, ceremonies or, observances, as well as in the doctrines, practices, rites, ceremonies, and observances of any other religion, faith, sect, creed, or philosophy, are prohibited and will cease immediately

d The Religious Functions Order relating to the Grand Shrine of Ise and the Religious Functions Order relating to State and other Shrines will be annuled.

e The Shrine Board (*Jingi-in*) of the Ministry of Home Affairs will be abolished, and its present functions, duties, and administrative obligations will not be assumed by any other governmental or tax-supported agency.

f All public educational institutions whose primary function is either the investigation [illegible]

[illegible]

[illegible] institution supported wholly or in part by public funds is prohibited and will cease immediately.

(1) All teachers' manuals and textbooks now in use in any educational institution supported wholly or in part by public funds will be censored, and all Shinto doctrine

will be deleted. No teachers' manual or textbook which is published in the future for use in such institutions will contain any Shinto doctrine.

(2) No visits to Shinto shrines and no rites, practices, or ceremonies associated with Shinto will be conducted or sponsored by any educational institution supported wholly or in part by public funds.

i. Circulation by the government of "The Fundamental Principles of the National Structure" (*Kokutai no Hongi*), "The Way of the Subject" (*Shinmin no Michi*), and all similar official volumes, commentaries, interpretations, or instructions on Shinto is prohibited.

j. The use in official writings of the terms "Greater East Asia War (*Dai Toa Sonso*), "The Whole World under One Roof" (*Hakko Ichi-u*), and all other terms whose connotation in Japanese is inextricably connected with State Shinto, militarism, and ultra-nationalism is prohibited and will cease immediately.

k. God-shelves (*kamidana*) and all other physical symbols of State Shinto in any office, school, institution, organization, or structure supported wholly or in part by public funds are prohibited and will be removed immediately.

l. No official, subordinate, employee, student, citizen, or resident of Japan will be discriminated against because of his failure to profess and believe in or participate in any practice, rite, ceremony, or observance of State Shinto or of any other religion.

m. No official of the national, prefectural, or local government, acting in his public capacity, will visit any shrine to report his assumption of office, to report on conditions of government or to participate as a representative of government in any ceremony or observance.

2. a. The purpose of this directive is to separate religion from the state, to prevent misuse of religion for political ends, and to put all religions, faiths, and creeds upon exactly the same legal basis, entitled to precisely the same opportunities and protection. It forbids affiliation with the government and the propagation and dissemination of militaristic and ultra-nationalistic ideology not only to Shinto but to followers of all religions, faiths, sects, creeds, or philosophies.

b. The provisions of this directive will apply with equal force to all rites, practices, ceremonies, observances, beliefs, teachings, mythology, legends, philosophy, shrines, and physical symbols associated with Shinto.

c. The term State Shinto within the meaning of this directive will refer to that branch of Shinto (*Kokka Shinto* or *Jinja Shinto*) which by official acts of the Japanese Government has been differentiated from the religion of Sect Shinto (*Shuha Shinto* or *Kyoha Shinto*) and has been classified a non-religious national cult commonly known as State Shinto, National Shinto, or Shrine Shinto.

d. The term Sect Shinto (*Shuha Shinto* or *Kyoha Shinto*) will refer to that branch of Shinto (composed of 13 recognized sects) which by popular belief, legal commentary, and the official acts of the Japanese Government has been recognized to be a religion.

e. Pursuant to the terms of Article I of the Basic Directive on "Removal of Restrictions on Political, Civil, and Religious liberties" issued on 4 October 1945 by the Supreme Commander for the Allied Powers in which the Japanese people were assured complete religious freedom.

(1) Sect Shinto will enjoy the same protection as any other religion.

(2) Shrine Shinto, after having been divorced from the state and divested of its militaristic and ultra-nationalistic elements, will be recognized as a religion if its adherents so desire and will be granted the same protection as any other religion in so far as it may in fact be the philosophy or religion of Japanese individuals.

f. Militaristic and ultra-nationalistic ideology, as used in this directive, embraces those teachings, beliefs and theories, which advocate or justify a mission on the part of Japan to extend its rule over other nations and peoples by reason of:

(1) The doctrine that the Emperor of Japan is superior to the heads of other states because of ancestry, descent or special origin.

(2) The doctrine that the people of Japan are superior to the people of other lands because of ancestry, descent, or special origin.

(3) The doctrine that the islands of Japan are superior to other lands because of divine or special origin.

(4) Any other doctrine which tends to delude the Japanese people into embarking upon wars of aggression or to glorify the use of force as an instrument for the settlement of disputes with other peoples.

3 The Imperial Japanese Government will submit a comprehensive report to this Headquarters not later than 15 March 1946 describing in detail all action taken to comply with all provisions of this directive

4 All officials, subordinates, and employees of the Japanese national, prefectural, and local governments, all teachers and education officials, and all citizens and residents of Japan will be held personally accountable for compliance with the spirit as well as the letter of all provisions of this directive

FOR THE SUPREME COMMANDER.

H W ALLEN
Colonel, A G D ,
Asst Adjutant General

Appendix B: 3b

EMPEROR'S IMPERIAL RESCRIPT DENYING HIS DIVINITY

January 1, 1946.

In greeting the new year we recall to mind that the Emperor Meiji proclaimed as the basis of national policy the five clauses of the charter at the beginning of the Meiji era. The charter signified:

(1) Deliberative assemblies shall be established and all measures of government decided in accordance with public opinion.

(2) All classes high and low shall unite in vigorously carrying on the affairs of State.

(3) All common people, no less than the civil and military officials, shall be allowed to fulfil their just desires so that there may not be any discontent among them.

(4) All the absurd usages of old shall be broken through and equity and justice to be found in the workings of nature shall serve as the basis of action.

(5) Wisdom and knowledge shall be sought throughout the world for the purpose of promoting the welfare of the Empire.

The proclamation is evident in its significance and high in its ideals. We wish to make this oath anew and restore the country to stand on its own feet again. We have to reaffirm the principles embodied in the charter and proceed unflinchingly toward elimination of misguided practices of the past, and, keeping in close touch with the desires of the people, we will construct a new Japan through thoroughly being pacific, the officials and the people alike obtaining rich culture and advancing the standard of living of the people.

The devastation of the war inflicted upon our cities, the miseries of the destitute, the stagnation of trade, shortage of food and the great and growing number of the unemployed are indeed heartrending; but if the nation is firmly united in its resolve to face the present ordeal and to see civilization consistently in peace, a bright future will undoubtedly be ours, not only for our country but for the whole of humanity.

Love of the family and love of country are especially strong in this country. With more of this devotion should we now work toward love of mankind.

We feel deeply concerned to note that consequent upon the protracted war ending in our defeat our people are liable to grow restless and to fall into the slough of despond. Radical tendencies in excess are gradually spreading and the sense of morality tends to lose its hold on the people with the result that there are signs of confusion of thoughts.

We stand by the people and we wish always to share with them in their moment of joys and sorrows. The ties between us and our people have always stood upon mutual trust and affection. They do not depend upon mere legends and myths. They are not predicated on the false conception that the Emperor is divine and that the Japanese people are superior to other races and fated to rule the world.

Our Government should make every effort to alleviate their trials and tribulations. At the same time, we trust that the people will rise to the occasion and will strive courageously for the solution of their outstanding difficulties and for the development of industry and culture. Acting upon a consciousness of solidarity and of mutual aid and broad tolerance in their civic life, they will prove themselves worthy of their best tradition. By their supreme endeavors in that direction they will be able to render their substantial contribution to the welfare and advancement of mankind.

The resolution for the year should be made at the beginning of the year. We expect our people to join us in all exertions looking to accomplishment of this great undertaking with an indomitable spirit.

Appendix B:3c

GENERAL MacARTHUR'S COMMENT ON IMPERIAL RESCRIPT OF JANUARY 1, 1946

"The Emperor's New Year's statement pleases me very much. By it he undertakes a leading part in the democratization of his people. He squarely takes his stand for the future along liberal lines. His action reflects the irresistible influence of a sound idea. A sound idea cannot be stopped."

Appendix B: 3b

EMPEROR'S IMPERIAL RESCRIPT DENYING HIS DIVINITY

January 1, 1946.

In greeting the new year we recall to mind that the Emperor Meiji proclaimed as the basis of our national policy the five clauses of the charter at the beginning of the Meiji era. The charter oath signified:

(1) Deliberative assemblies shall be established and all measures of government decided in accordance with public opinion.

(2) All classes high and low shall unite in vigorously carrying on the affairs of State.

(3) All common people, no less than the civil and military officials, shall be allowed to fulfill their just desires so that there may not be any discontent among them.

(4) All the absurd usages of old shall be broken through and equity and justice to be found in the workings of nature shall serve as the basis of action.

(5) Wisdom and knowledge shall be sought throughout the world for the purpose of promoting the welfare of the Empire.

The proclamation is evident in its significance and high in its ideals. We wish to make this oath anew and restore the country to stand on its own feet again. We have to reaffirm the principles embodied in the charter and proceed unflinchingly toward elimination of misguided practices of the past; and, keeping in close touch with the desires of the people, we will construct a new Japan through thoroughly being pacific, the officials and the people alike obtaining rich culture and advancing the standard of living of the people.

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4. CONTROL OF FOREIGN AFFAIRS

OFFICE OF THE SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
2 October 1945.

AG 210.2 (2 Oct 45) MG
(SCAPIN 88)

Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Promotions of Civil Service Officials in Korea.

1. It is alleged that the Japanese Government has purported to promote Japanese officials or civil service functionaries serving in Southern Korea.
2. All such purported promotions are ineffective.
3. The Japanese Government will not attempt to exercise any administrative authority in Korea.
4. Military Government is the sole authority in Korea.

FOR THE SUPREME COMMANDER:

(s) Harold Fair,
(t) HAROLD FAIR,
Lt. Colonel, A.G.D.,
Asst. Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

(SCAPIN 189) 25 October 1945

Memorandum to The Imperial Japanese Government
Through Central Liaison Office, Tokyo
Subject Transfer of Custody of Diplomatic and Consular Property and Archives

1 By direction of the Allied Powers, the following instructions are given the Imperial Japanese Government for prompt compliance

A In countries where Sweden or Switzerland are acting as protecting powers over Japanese interests, with the exception of those countries enumerated in sub-paragraph B below, the protecting power concerned will be instructed by the Japanese Government to turn over intact and without delay to representatives of the four Allied Powers who have been instructed to receive them, physical custody of all Japanese diplomatic and consular property and archives in the country concerned The protecting power, however, should continue to exercise routine functions of protection of Japanese nationals.

B In the United Kingdom, the Union of Soviet Socialist Republics, China, the United States, the British Commonwealths, France and the Netherlands, including colonies and dependencies thereof, the protecting power concerned will be instructed by the Japanese Government to turn over intact and without delay to the government of the country in which they are located, physical custody of all Japanese diplomatic and consular property and archives in the country concerned

C In all neutral countries, the Japanese Government will instruct the Japanese mission in such country to turn over intact and without delay physical custody of all Japanese diplomatic and consular property and archives to representatives of the four Allied Powers who have been designated to receive them Routine functions of protection of Japanese nationals in such neutral countries may be turned over to Sweden or Switzerland since these powers are acting as protecting powers for Japanese interests elsewhere

D The Japanese Government will immediately recall Japanese diplomatic and consular representatives in neutral countries and will cease further relations with foreign governments except as stated in sub-paragraphs A and C above, or in accordance with such procedures as are hereafter established

2 Copies of all instructions issued to the protecting powers or to Japanese diplomatic representatives or consular officials in the several countries concerned in compliance with this directive, and a prompt report of action taken by the recipient of such instructions will be furnished at the earliest practicable date

FOR THE SUPREME COMMANDER

(s) H W Allen,
H W ALLEN,
Colonel, A G D,
Acting Adjutant General

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 312.4 (31 Oct 45) GS 31 October 1945.
(SCAPIN 217)

Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Definition of "United Nations," "Neutral Nations," and "Enemy Nations."

1. Whenever reference to the "United Nations" is made in any order, memorandum or directive, that term, in the absence of indication to the contrary, shall be taken as meaning and including the nations which are signatories of the United Nations Declaration dated 1 January 1942, and nations associated with them in this war. They are:

(1) Australia
(2) Belgium
(3) Bolivia
(4) Brazil
(5) Canada
(6) Chile
(7) China
(8) Colombia
(9) Costa Rica
(10) Cuba
(11) Czechoslovakia
(12) Denmark
(13) Dominican Republic
(14) Ecuador
(15) Egypt
(16) Ethiopia
(17) France
(18) United Kingdom of Great Britain and Northern Ireland
(19) Greece
(20) Guatemala
(21) Haiti
(22) Honduras
(23) Iceland
(24) India
(25) Iran (Persia)
(26) Iraq
(27) Lebanon
(28) Liberia
(29) Luxembourg
(30) Mexico
(31) Netherlands
(32) New Zealand
(33) Nicaragua
(34) Norway
(35) Panama
(36) Paraguay
(37) Peru
(38) Philippine Commonwealth
(39) Poland
(40) Salvador
(41) Saudi Arabia
(42) Syria
(43) Turkey
(44) Union of South Africa
(45) Union of Soviet Socialist Republics

(46) United States of America
(47) Uruguay
(48) Venezuela
(49) Yugoslavia

2 Whenever reference to "Neutral Nations" is made in any such order, directive or memorandum, that term, in the absence of indication to the contrary, shall be taken as meaning and including the following nations

(1) Afghanistan
(2) Ireland (Eire)
(3) Portugal
(4) Spain
(5) Sweden
(6) Switzerland

3 Whenever reference to "Enemy Nations" is made in any such order, directive or memorandum, that term, in the absence of indication to the contrary, shall be taken as meaning and including the following nations:

(1) Bulgaria
(2) Germany
(3) Hungary
(4) Japan
(5) Roumania

4 The nations named below, whose status has changed as a result of the war, will not be treated as falling into any of the three categories of nations referred to in paragraphs 1, 2 or 3 above unless such a classification of one or more of them is specified They will be referred to collectively as "nations whose status has changed as a result of the war" Such nations are

(1) Argentina
(2) Finland
(3) Italy
(4) Siam (Thailand)

FOR THE SUPREME COMMANDER

(s) H W. Allen,
H W. ALLEN,
Colonel, A G.D.,
Asst Adjutant General.

Appendix B: 4d

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 091.1 (4 Nov 45)GS
(SCAPIN 237)

4 November 1945.

Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Official Relations Between Japanese Government and Representatives of Neutral Nations.

Except as hereafter authorized by the Supreme Commander for the Allied Powers you will cease to carry on relations with neutral governments or representatives thereof in Japan. You will inform such representatives now in Japan that the existence of diplomatic missions is not deemed consistent with the purposes and character of the Allied Occupation in Japan and of the position of the Supreme Commander for the Allied Powers, and refer them to the Supreme Commander for the Allied Powers for future contacts with the Japanese Government.

FOR THE SUPREME COMMANDER:

(s) H. W. Allen,
H. W. ALLEN,
Colonel, A.G.D.,
Asst. Adjutant General.

Appendix B 4c

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
29 January 1946

AG 091 (29 Jan 46) GS
(SCAPIN 677)
Memorandum for *Imperial Japanese Government*
Through Central Liaison Office, Tokyo

2 Except as authorized by this Headquarters, the Imperial Japanese Government will not communicate with government officials and employees or with any other persons outside of Japan for any

each of the agencies concerned.

8 All records of the agencies referred to in paragraph 7 above will be preserved and kept available for inspection by this Headquarters.

FOR THE SUPREME COMMANDER:

(s) H. W. Allen
H. W ALLEN,
Colonel, A.G.D.,
Asst. Adjutant General.

Appendix B: 4f

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
22 March 1946.

AG 091 (22 Mar 46) GS
(SCAPIN 841)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Governmental and Administrative Separation of Certain Outlying Areas from Japan.

1. Reference is made to the following:

a. Memorandum to the Japanese Government AG 091 (29 Jan 46) GS (SCAPIN 677), subject, "Governmental and Administrative Separation of Certain Outlying Areas from Japan."

b. Memorandum from the Japanese Government C.L.O. No. 918 (1.1) of 26 February 1946, subject, "Request for Information Regarding Status of Izu Islands."

2. Paragraph 3 of reference "a" is hereby amended so that the Izu Islands and the Nanpo Islands north of and including Lot's Wife (Sofu Gan) are included within the area defined as Japan for the purpose of that directive.

3. The Japanese government is hereby directed to resume governmental and administrative jurisdiction over these islands, subject to the authority of the Supreme Commander for the Allied Powers.

4. Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.

FOR THE SUPREME COMMANDER:

(s) B. M. Fitch,
B. M. FITCH,
Brigadier General, A.G.D.,
Adjutant General.

5 REMOVAL OF ULTRANATIONALISTS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
4 January 1946.

AG 091 (4 Jan 46) GS
(SCAPIN 548)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Abolition of Certain Political Parties, Associations, Societies and Other Organizations

1. You will prohibit the formation of any political party, association, society or other organization and any activity on the part of any of them or of any individual or group whose purpose, or the effect of whose activity, is the following

a Resistance or opposition to the Occupation Forces or to orders issued by the Japanese Government in response to directives of the Supreme Commander for the Allied Powers, or,

b Support or justification of aggressive Japanese military action abroad, or,

c. Arrogation by Japan of leadership of other Asiatic, Indonesian or Malayan peoples, or,

d. Exclusion of foreign persons in Japan from trade, commerce or the exercise of their professions, or,

e. Opposition to a free cultural or intellectual exchange between Japan and foreign countries, or,

f Affording military or quasi-military training, or providing benefits, greater than similar civilian benefits, or special representation for persons formerly members of the Army or Navy, or perpetuation of militarist or a martial spirit in Japan, or;

g Alteration of policy by assassination or other terroristic programs, or encouragement or justification of a tradition favoring such methods

[illegible] prescribed under the provisions of [illegible] This list will not be regarded as [illegible]

[illegible] available for inspection as public records Officials receiving such records will be held personally responsible for their safe keeping and use in accord with this Memorandum Any such property which is capable of use for the production of food, shelter or other necessities of life will be exploited as promptly as possible for these purposes

b. You will promptly obtain and submit to this Headquarters the name and address and the position held by each person who has, at any time since 7 July 1937, served as an officer of any organization dissolved in accord with this Memorandum Such information will also be kept available as a public record. Complete membership lists will also be furnished

4 You will enact appropriate laws or ordinances to carry out the terms of this Memorandum and to prevent further activities contrary to its terms.

5 Until further order of the Supreme Commander for the Allied Powers, any organization shall be deemed, regardless of its declared purposes, to further purposes or activities contrary to the terms of this Memorandum if.

[illegible] KAIGUN TOKUMU BU, or other special or secret intelligence or military or naval police organizations

b. Its membership includes more than twenty-five percent of persons who were formerly members of an organization or organizations abolished or prohibited in pursuance of this Memorandum.

6. You will forbid the formation or activity of any party, society, organization, association or group whose purpose or activity consists of:

a. Proposing or supporting candidates for public office.

b. Influencing the policy of Government, or

c. The discussion of the relations between Japan and foreign powers, unless it shall first have filed a declaration of (a) its name, (b) its purposes, (c) the address of its principal offices, (d) the names and addresses of its officers together with a statement as to their military or police service and the names of any associations, societies or parties of which they are or have been members, (e) the names and addresses of substantial financial supporters and the amounts of their respective contributions, (f) a roster of the names and addresses of its membership in the office of the mayor of the town or city in which it has or intends to have its principal office. Such declarations will be kept up to date as changes in purposes and membership occur. Declarations with regard to changes of membership and substantial contributions will be made as required by the Supreme Commander; reports of changes in officers or purposes will be made immediately. You will direct that the mayor of any town or city receiving such a declaration or any change forward two copies to an appropriate office of the Imperial Japanese Government in Tokyo. Both the original and one of the copies of such declarations will be kept available for public inspection at all times during ordinary business hours. No fees will be charged in connection with any of the foregoing and the procedure fixed for filing such declarations shall be such as to make compliance with these directions as simple and easy as possible.

The provisions of this paragraph which require the filing of a roster of the names and addresses of members will not apply to groups or other organizations of workers or employees who meet for the purpose of the discussion of questions relating to wages, hours and working conditions or the choice of persons to represent them in negotiations with their employers in connection with such questions.

7. The purpose of the provisions of paragraph 6 of this Memorandum is to secure public knowledge of the character of political organizations in Japan and to prevent the formation of secret, militaristic, ultranationalistic and anti-democratic societies and organizations. It shall not be interpreted nor shall it be applied in a manner which interferes with freedom of assembly, speech or religion except with respect to the purposes and activities specifically mentioned herein.

8. You will present your programme for the execution of the directions of this Memorandum, together with any laws, ordinances or orders to be issued in accord with it, for the approval of the Supreme Commander for the Allied Powers. Any laws or ordinances which you will enact in compliance with this Memorandum will provide that upon such approval they will be effective from the date of this Memorandum, regardless of the date of their enactment.

For the Supreme Commander:

H. W. Allen,
Colonel, A.G.D.,
Asst. Adjutant General.

List of Organizations to be Abolished referred to in Paragraph 2 of the Memorandum to the Imperial Japanese Government AG 091 (4 Jan 46) GS.

Note.—This list does not include all of the organizations which are to be dissolved in accord with the directions of the above Memorandum.

1. DAI NIPPON ISSHIN-KAI (Great Japan Renovation Society).
2. DAI NIPPON KOA RENMEI (Great Japan Rising Asia Alliance) and all its affiliated organizations.
3. DAI NIPPON SEISANTO (Great Japan Production Party).
4. DAI NIPPON SEKISEI-KAI (Greater Japan True-Hearted Society).
5. DAI TOA KYOKAI (Greater East Asia Association).
6. DAITO JUKU (Eastern Academy).
7. GENRON HOKOKU KAI (Literary Patriotic Society).
8. GENYOSHA (Dark Ocean Society).
9. JIKYOKU KAIGI KAI (Current Affairs Discussion Society).
10. KAKUMEI-SO (The House of the Cry of the Crane).
11. KENKOKU-KAI (National Foundation Society).

12. KINKEI GAKUIN (Golden Pheasant Institute)
13 KOKURYUKAI (Black Dragon Society).
14 KOKUSAI KANKYO RENMEI (Anti-Communist League)
15 KOKUSAI SEIKEI GAKKAI [illegible]

[illegible] ench Rice Plant")
20. [illegible]
21 [illegible]
22 [illegible]
23 [illegible]
24 [illegible]
25 TOHO KAI (Eastern Society)
26 YAMATO MUSUBI HONSHA (Yamato Solidarity Headquarters) or (Japanese Knot)
27 ZEN NIPPON SEINEN KURABU (All Japan Young Men's Club)

SCAPIN 550—"REMOVAL AND EXCLUSION OF UNDESIRABLE PERSONNEL FROM PUBLIC OFFICE"

4 JANUARY 1946.

Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Removal and Exclusion of Undesirable Personnel from Public Office.

1. The Potsdam Declaration states: "There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security, and justice will be impossible until irresponsible militarism is driven from the world."

2. In order to carry out this provision of the Potsdam Declaration, the Imperial Japanese Government is hereby ordered to remove from public office and exclude from government service all persons who have been:

a. Active exponents of militaristic nationalism and aggression.

b. Influential members of any Japanese ultranationalistic, terroristic, or secret patriotic society, its agencies or affiliates; or

c. Influential in the activities of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society or the Political Association of Great Japan, as those terms are defined in Appendix A to this directive.

3. The term "public office" as used in this directive shall mean and include:

a. Any position in the government service which is customarily filled by one with the civil service rank of Chokunin or above (or equivalent rank under any reorganization of the civil service system); or

b. Any other position in the government service not customarily filled by a member of the civil service which is equivalent or superior to the civil service rank of Chokunin (in the case of government corporations the term will include at least: Chairman of the Board of Directors, President, Vice-President, Director, Adviser and Auditor).

4. The term "government service," as used in this directive, shall mean and include all positions in the central Japanese and Prefectural Governments and all of their agencies and local branches, bureaus (including Regional Administrative Bureaus) and offices and all positions in corporations, associations and other organizations in which said Governments or any of their agencies have a financial interest representing actual or working control.

5. The term "remove from public office," as used in this directive, shall mean to discharge the person from the public office which he holds and to terminate his influence and participation therein, directly and indirectly. Persons removed from public office will not be entitled to any public or private pensions or other emoluments or benefits without the consent of this Headquarters. An official removed under this procedure will be dismissed and will not be entitled to the hearing or other procedures precedent to removal to which he may have been entitled under Japanese Law.

6. The term "exclude from government service," as used in this directive, shall mean to bar the person in question from any position in the government service. Thus, persons removed from public office will be disqualified from holding any other positions in the government service. Also, persons who may not be holding public offices from which they must be removed, may nevertheless be disqualified from taking a position in the government service. This disqualification from holding public office shall be continued until the provisions of the Potsdam Declaration quoted in paragraph 1 have been fulfilled in Japan.

7. The mere removal of officials from public office and the exclusion from government service of those persons described herein will not be sufficient to establish the new order of peace, security and justice envisaged by the Potsdam Declaration. If Japan is to achieve a peacefully inclined and responsible government, the greatest care must be taken to appoint new officials who will foster the revival and strengthening of democratic tendencies among the Japanese people and who will respect fundamental human rights and freedom of speech, religion and thought. If existing civil service qualification regulations provide obstacles to the appointment of such officials or unduly narrow the field from which appointments may be made, such regulations shall be amended or superseded.

8. The removals ordered by this directive shall be effected as expeditiously as possible, priority being given to the more important positions. Removal may be postponed in the case of individuals who are absolutely required to insure demobilization of the Japanese armed forces in the outlying theaters or to carry out the provisions of this directive. When their assistance is no longer absolutely required they will be dismissed. The names of such individuals, their positions, the reason for their disqualification, and the reasons for their temporary retention will be promptly reported to this Headquarters. The time of their final dismissal will also promptly be reported.

9. Appendix "A" contains a list of the categories of persons who must be removed from public office and excluded from government service by the Imperial Japanese Government in order to carry out the provisions of paragraph 2 of this directive. Persons included in the cate-

gories listed in Appendix "A" shall be removed from public office as provided in paragraphs 8 and 10 and shall thereafter be excluded from government service. However, if the Imperial Japanese Government represents that in order to carry on indispensable peaceful executive activities of such government, the temporary reinstatement of an individual so removed is essential and that it is impossible to obtain a suitable replacement, an application so stating, signed by a responsible official of the Imperial Japanese Government, may be filed with this Headquarters Such applications shall contain a statement of the name, rank, position, duties, and responsibilities of the individual involved, shall state fully the reasons why such temporary reinstatement is regarded as essential, the requested period of temporary reinstatement and the efforts made to obtain a suitable replacement. Such application shall be accompanied by a copy of the questionnaire described in paragraph 10, below. No such temporary reinstatement will be effected by the Imperial Japanese Government until this Headquarters has registered its approval in writing.

10 In order to insure that the government service is cleansed of undesirable personnel the following action will be taken:

a. The Imperial Japanese Government will instruct each of its Ministries or other appropriate agencies to remove from positions described in paragraph 3 which are within its competence, any persons whom the records show or who are known to have been within the categories listed in Appendix "A." A Questionnaire (see below) will be obtained from each such individual before he is notified of his dismissal.

b In addition, the Imperial Japanese Government [illegible]

competence, the Questionnaire contained in Appendix "B" Such Questionnaires will be reviewed and on the basis of them and any other knowledge in possession of the Government, individuals will be removed from office or denied employment in accordance with the provisions of this directive

11 Each Ministry or other appropriate agency will prepare a Plan for handling the Questionnaires which will provide for

a. Distribution.

b. Collection

c. Review

d. Action on basis of information in Questionnaire.

e. Classification and filing—this system should permit reference to the Questionnaire in terms of agency, rank of officials, and action taken (e. g, removal or retention)

12 Each Plan will provide for screening of positions occupied by higher rank officials first. A duplicate set of completed Questionnaires will be provided at the Headquarters of each Ministry or other agency where it will be available for inspection or removal by this Headquarters.

13 In addition to the Questionnaires each Ministry or other agency will maintain at its headquarters an alphabetical file of Questionnaire Record Cards substantially in the form indicated in Appendix "C" available for inspection or removal by this Headquarters The cards, will be filled out in English (also in Japanese if desired). Identical numbers, with an identifying symbol for each Ministry or other agency, will be assigned to each Ques- [illegible]

[illegible] during the years of Japan's militaristic nationalism and aggression and in order to eliminate from the new Diet the influence of those who have deceived and misled the people of Japan into embarking on world conquest, any person who comes within the categories described in Appendix "A" shall be disqualified as a candidate for any elective position in the Imperial Diet Any such person shall be disqualified from standing at any time as a candidate for prefectural Governor or Mayor of a city (Shi). Also, all such persons shall be removed from and henceforth excluded from appointment to the House of Peers The Imperial Japanese Government shall adopt measures to enforce this disqualification of candidates for elective office, including the issuance of necessary regulations, the publication of disqualification categories prepared in conformity herewith and the certification by each candidate that he is not thereby disqualified from standing for election. A comprehensive report of the measures proposed to be adopted will be furnished to this Headquarters.

15 The Imperial Japanese Government will make the following reports to this Headquarters (In English, in triplicate):

a Reports required by paragraphs 8 and 14 hereof.

b. An initial report of the Plan of each Ministry or other agency called for by paragraph 11. This Headquarters may direct revision of any of these Plans if they are not considered adequate.

c A weekly report, divided into sections for the fields of competence of each Ministry or other agency, showing.

(1) Total number of [illegible] are to be investigated.

(2) Number and [illegible] previously and [illegible]

(3) Number of [illegible] removed or denied employment [illegible]

(4) [illegible] and Questionnaire numbers of [illegible] removed or denied employment [illegible]

16. This Headquarters will provide for inspections and investigations necessary to check compliance with this directive, and the Imperial Japanese Government will render any assistance required for the making of such inspections and investigations. Action taken by the Japanese Government with respect to removal or denial of employment and with respect to disqualification of candidates for elective office will be reviewed and may be reversed by this Headquarters.

17. Wilful falsification of or failure to make full and complete disclosures in any Questionnaire, report or Application provided for in this directive will be punishable by the Supreme Commander for the Allied Powers as a violation of the Surrender Terms. In addition, the Imperial Japanese Government will make any provisions necessary to provide adequate punishment in Japanese courts and under Japanese law for such wilful falsification or non-disclosure and will undertake such prosecutions as may be required.

18. In addition to the general provisions of this directive covering all public offices, this Headquarters has made and may make more restrictive requirements respecting employment of certain classes of individuals at all levels in special fields.

19. All officials and subordinates of the Imperial Japanese Government affected by the terms of this order will be held personally responsible and strictly accountable for compliance with and adherence to the spirit and letter of this directive.

For the Supreme Commander:

H. W. Allen,
Colonel, A. G. D.,
Asst. Adjutant General.

Inclosures:
Appendix A—Removal and Exclusion Categories.
Appendix B—Questionnaire.
Appendix C—Questionnaire Record Card.

Appendix "A"
REMOVAL AND EXCLUSION CATEGORIES

A. *War Criminals.*—Persons arrested as suspected war criminals unless released or acquitted.

B. *Career military and naval personnel, special police and officials of the War Ministries.*—Any person who has at any time held any of the following positions:

1. Member of:
Board of Fleet Admirals and Field Marshals.
Supreme Military Council.
Imperial General Headquarters.
Army and Navy General Staffs.
Supreme Council for Direction of the War.

2. Commissioned officer in the Imperial Japanese Regular Army or Navy or in the Special Volunteer Reserve.

3. Commissioned or noncommissioned officers, enlisted men or civilian employees who served in or with the Military Police (Kempei-Tai) or Naval Police, the TOKOMU KIKAN, KAIGUN TOKUMU BU, or other special or secret intelligence or military or naval police organizations.

4. *Ministry of War* (unless appointed since 2 September 1945):
Minister.
Permanent Vice-Minister.
Parliamentary Vice-Minister.
Parliamentary Councillor.
Chief Secretary.

All civilian officials of the civil service rank of Chokunin, or above, or who occupy positions normally held by persons of such rank.

5. *Ministry of the Navy* (unless appointed since 2 September 1945):
Minister.
Permanent Vice-Minister.
Parliamentary Vice-Minister.
Parliamentary Councillor.
Chief Secretary.

All civilian officials of the civil service rank of Chokunin, or above, or who occupy positions normally held by persons of such rank.

C. *Influential Members of Ultranationalistic, Terroristic or Secret Patriotic Societies.*—Any person who has at any time:

1. Been a founder, officer, or director of; or
2. Occupied any post of authority in; or
3. Been an editor of any publication or organ of; or
4. Made substantial voluntary contributions (a sum or property the value of which is large in itself or large in proportion to the means of the individual in question) to any of the organizations or their branches, subsidiaries, agencies, or affiliates (other than the organizations referred to in paragraph D below) described in the Memorandum to the Japanese Government on "Abolition of Certain Political Parties, Associations and Societies" AG 091 (4 Jan 46) GS.

D. *Persons Influential in the Activities of IRRA IRAPS, and the Political Association of Great Japan.*—Any person who has at any time:

1. Been a founder or national officer, a national director, national committee chairman, or a leading official of a prefectural or metropolitan subdivision of; or
2. Been an editor of any publication or organ of:

a The Imperial Rule Assistance Association (Taisei Yokusankai) and any of its affiliates.

b The Imperial Rule Assistance Political Society [illegible]

E *Officers of Financial and Development Organizations involved in Japanese Expansions.*—Any person who has at any time between 7 July 1937 and 2 September 1945, occupied any of the positions listed below:

Chairman of the Board of Directors, President, Vice-President, Director, Adviser or Auditor of any of the following or, in territory occupied by the Japanese armed forces since 7 July 1937, manager of a branch of

South Manchurian Railway Company.
Manchuria Development Company
North China Development Company
Central China Development Company
Southern Development Company
Taiwan Development Company
Manchuria Heavy Industry Development Company.
Nanyo Development Company
Oriental Development Company
Wartime Finance Bank
United Funds Bank
Southern Development Bank
Overseas Funds Bank
Chosen Colonization Bank
Deutsche Bank Fuer Ostasien
Bank of Chosen
Bank of Taiwan.
Bank of Manchukuo
Manchurian Development Bank
Korean Trust Company

Any other bank, development company or institution whose foremost purpose has been the financing of colonization and development activities in colonial and Japanese-occupied territory, or the financing of war production by the mobilization or control of the financial resources of colonial or Japanese-occupied territories

F *Governors of Occupied Territories* —Japanese officials who have held the positions listed below.

1 *Korea*
Governor General
Chief Civilian Administrator
Members of Privy Council

2 *Formosa*
Governor General
Chief Civilian Administrator

3. *Kwantung*
Governor General
Chief Administrator
Director of the Bureau of Pacification

4 *South Seas.*
Governor General.
Director of South Seas Administration Office.

5 *Netherlands East Indies*
Chief Military Administrator
Chief Civil Administrator

6 *Malaya*
Chief Military Administrator
Chief Civil Administrator
Mayor of Singapore

7 *French Indo-China.*
Governor General
Inspector General of Police
Director of Bureau of General Affairs
Financial Charge d'Affaires

8 *Burma*
Advisers to the Burmese Administration
Chief to the Political Affairs Department of the Japanese Military Administration
Chief of the Internal Affairs Department of the Central Administration

9 *China*
Advisers to the Nanking Puppet Government
Ambassador

10 *Manchukuo*
Director of General Affairs Board
Vice Director of General Affairs Board
Officers of the Central Organization of the Concordia Society

11 *Others*
Responsible Japanese Officials controlling collaborationist native governments in the Mongolian Federated Autonomous Government, the Philippine Puppet Republic, the Provisional Government of Free India, and Thailand.

G *Additional Militarists and Ultranationalists*

1 Any person who has denounced or contributed to the seizure of opponents of the militaristic regime

2 Any person who has instigated or perpetrated an act of violence against opponents of the militaristic regime

3 Any person who has played an active and predominant governmental part in the Japanese program of aggression or who by speech, writing or action has shown himself to be an active exponent of militant nationalism and aggression

Appendix "B
QUESTIONNAIRE

Questionnaire Number..........
(to be assigned by Ministry or other appropriate agency)

(*Instructions:* This questionnaire shall be filled out in both Japanese and English. The English version will prevail if discrepancies exist between it and the Japanese version. Answers must be typewritten or printed clearly in block letters. Every question must be answered precisely and conscientiously and no space is to be left blank. If the question is to be answered by either "yes" or "no," print the word "yes" or "no" in the appropriate space. If the question is inapplicable, so indicate by some appropriate word or phrase such as "none" or "not applicable." Add supplementary sheets if there is not enough space in the Questionnaire. *Omissions or false or incomplete statements are criminal offenses and will result in prosecution and punishment.*)

A. *Personal*

1. List position which you hold or for which you are under consideration, with Civil Service Grade..........
2. Name.......... (Surname) .... (First and middle name)
3. Other names which you have used or by which you have been known..........
4. Date of birth.......... 5. Place of birth..........
6. Height.......... 7. Weight.......... 8. Scars, marks, or deformities..........
9. Present address.......... (In full)
10. Permanent residence.......... (In full)
11. Identity card type and number..........
12. List any instances when you have been arrested, together with the reasons therefor, and any crimes of which you have been convicted..........
13. Give any Civil Service rank and grade now held..........

B. *Chronological Record of Employment and Military Service*

14. In the space below, give a chronological history of your employment, including all of the positions which you have held since 1 January, 1931. In reporting either governmental or military positions, be sure to give all of the ranks which you may, at any time, have held..........

C. *Membership in Organizations*

15. In the space below, report whether or not you are or were a member or a founder or organizer or an officer of the national office or of a prefectural or metropolitan subdivision of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, or the Political Association of Great Japan. Report also whether or not you acted as editor for any publication of any of these associations or organized any branches or special activities for any of them..........

16. In the space below, report any other party, association, society, fraternity, club, union, institution, whether social, political, military, patriotic, professional, cultural, honorary, athletic or otherwise, of which you are or were a member Make this report whether or not this society was secret State whether or not you were a founder or organizer or leader, or occupied any post of authority in any such organization and whether you have been an editor of any of its publications

17 Has any member of your family held office, rank, or post of authority, or been otherwise influential in any of the organizations listed above? If so, give his name and address, his relationship to you and a description of the position which he held and of the organization

18 [illegible]

19 Have you ever been the recipient of any titles, ranks, medals, testimonials, or other honors from any of the above organizations? If so, state the nature of the honor, the date conferred, and the reason

D *Record of Other Service*

20 With exception of those you have specifically mentioned in Sections B and C above, list

(a) Any part time, unpaid or honorary position of authority or trust you have held since 1 January 1931 as a representative of the Army or Navy or of any National Ministry or other Central Government agency or as a [illegible]

From—	To—	Name and type of organization	Highest office or rank you held, or type of your service	Date of appointment to highest office or rank	Duties

E *Writings and Speeches*

21 [illegible] this space

F. *Corporate Positions*

22 With the exception of those you have specifically mentioned above, list any corporate directorships or executive positions held by you since 1 January 1931 and where you served, whether in Japan proper or outside of Japan

Corporation | Position held | Dates

G. *Remarks*

23. ....
....
....

The statements on this Questionnaire are true and I understand that any omissions or false or incomplete statements are criminal offenses and will subject me to prosecution and punishment.

Signed..Date....................................
(Signature of individual to whom the questionnaire relates)

(Certification of Service Superior)

(*Instructions:* This certification shall be signed by the service superior (or other responsible official) of the incumbent of public office, or, in the case of applicants for public office, by the official responsible for employing the applicant.)

I certify that the above is the true name and signature of the individual concerned and that, with the exceptions noted below, the answers made on this Questionnaire are true to the best of my knowledge and belief and the information available to me.

Exceptions (if no exceptions, write "none"):

....
....
....

Signed..............................Official position..........................Date.....................

Appendix "C"
Questionnaire Record Card

Questionnaire No.____

Name ....Japanese Governmental
(Surname) (First and middle names)
Address...Agency.............

Position which applicant holds or for which he is under consideration (with Civil Service Grade)................
....

Summary of pertinent portions of individual's record...
....
....

Action taken (check one): Date.........................

( ) Removed from position..
(Describe position)
( ) Application for employment as...denied.
(Describe position)
( ) Retained in position...
(Describe position)
( ) Application for employment as...approved.

Other action:

(Here record any application to Hq, SCAP, for approval of appointment or reinstatement, the action taken by Hq, SCAP, on such application, the action taken by the Japanese Government accordingly and the date of such action. Also record any other action concerning the individual, such as reversal of initial retention of the individual upon direction of SCAP, conviction of the individual for falsification or omissions in the Questionnaire, subsequent employment of the individual, etc.)

....
....

Appendix B. 5c

PRESS RELEASE CONCERNING PURGE DIRECTIVES

4 January 1946

General of the Armies Douglas MacArthur today struck a telling blow for the cause of world freedom against militarism and aggression In two sweeping directives delivered simultaneously The Supreme Commander sternly ordered the Imperial Japanese Government to purge its ranks of all those persons and associations who fomented, launched and directed Japan's treacherous but disastrous assault on world peace The orders plainly state their scope and purpose, to strike the shackles from the efforts of the Japanese people to rise toward freedom and democracy and effectively to remove from the world scene one more rotten spot wherein the germs of war might breed

General Whitney, Chief of the Government Section of GHQ, stated that these directions blast from their entrenched positions in the command posts of the government all those who planned, started and directed the war, and those who enslaved and beat the Japanese people into abject submission and who hoped to do the same with all the world "Their activities, their ambition, their methods have long been known to us," he said "We have watched them closely It had been hoped that Japan itself would clean its own stable "

Pointing out that the Japanese people, once restrictions on free speech and free press had been removed, became vociferous in their demands for action on the part of their own government, General Whitney went on to say, "The inertia, if not the active opposition within the government itself blocked all attempts Centuries of feudal submission and the complete, untrammelled and irrespon- [illegible]

Japanese Government to abolish all ultra-nationalistic, terroristic and militaristic groups and so to control all other political associations and organizations that never again will they be able to impose their will on the Japanese people

To achieve the mission of the occupation, to carry out the policies of the Potsdam Declaration, the second directive requires that all "those who have deceived and misled the people of Japan into embarking on a world conquest" must be removed from public office and excluded from government service so that "a new order of peace, security and justice" is firmly established in Japan and ' irresponsible militarism is driven from the world "

G. *Remarks*

23. ....
....
....

The statements on this Questionnaire are true and I understand that any omissions or false or incomplete statements are criminal offenses and will subject me to prosecution and punishment.

Signed .... Date ....
(Signature of individual to whom the questionnaire relates)

(Certification of Service Superior)

(*Instructions:* This certification shall be signed by the service superior (or other responsible official) of the incumbent of public office, or, in the case of applicants for public office, by the official responsible for employing the applicant.)

I certify that the above is the true name and signature of the individual concerned and that, with the exceptions noted below, the answers made on this Questionnaire are true to the best of my knowledge and belief and the information available to me.

Exceptions (if no exceptions, write "none"):

....
....
....

Signed .... Official position .... Date ....

Appendix "C"
Questionnaire Record Card

Questionnaire No.____

Name .... (Surname) .... (First and middle names) .... Japanese Governmental
Address .... Agency ....
Position which applicant holds or for which he is under consideration (with Civil Service Grade) ....
....
Summary of pertinent portions of individual's record ....
....
....

Action taken (check one): Date ....

( ) Removed from position ....
(Describe position)
( ) Application for employment as .... denied.
(Describe position)
( ) Retained in position ....
(Describe position)
( ) Application for employment as .... approved.

Other action:

(Here record any application to Hq, SCAP, for approval of appointment or reinstatement, the action taken by Hq, SCAP, on such application, the action taken by the Japanese Government accordingly and the date of such action. Also record any other action concerning the individual, such as reversal of initial retention of the individual upon direction of SCAP, conviction of the individual for falsification or omissions in the Questionnaire, subsequent employment of the individual, etc.)

....
....

PRESS RELEASE CONCERNING PURGE DIRECTIVES

4 January 1946

General of the Armies Douglas MacArthur today struck a telling blow for the cause of world freedom against militarism and aggression [illegible] the efforts of the Japanese people to rise toward freedom and democracy and effectively to remove from the world scene one more rotten spot wherein the germs of war might breed

General Whitney, Chief of the Government Section of GHQ, stated that these directions blast from their entrenched positions in the command posts of the government all those who planned, started and directed the war, and those who enslaved and beat the Japanese people into abject submission and who hoped to do the same with all the world "Their activities, their ambition, their methods have long been known to us," he said "We have watched them closely It had been hoped that Japan itself would clean its own stable "

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To achieve the mission of the occupation, to carry out the policies of the Potsdam Declaration, the second directive requires that all "those who have deceived and misled the people of Japan into embarking on a world conquest" must be removed from public office and excluded from government service so that "a new order of peace, security and justice" is firmly established in Japan and "irresponsible militarism is driven from the world "

Appendix B:[illegible]

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
21 January 1946

AG 091.1 (21 Jan 46)GS
Staff Memorandum
No. 2

INTERPRETATION OF MEMORANDA TO THE JAPANESE GOVERNMENT

1. Interpretations or amplifications relating to the applicable memoranda from this headquarters to the Imperial Japanese Government, file AG 091.1 (4 Jan 46)GS, dated 4 January 1946, subject: "Removal and Exclusion of Undesirable Personnel from Public Office," and memorandum, file AG 091 (4 Jan 46)GS, dated 4 January 1946, subject: "Abolition of Certain Political Parties, Associations, Societies and Other Organizations," will not be given to any Japanese national or organization. All Japanese making such requests or requests for opinions will be referred to the Japanese Government.

2. This memorandum is released to also place the initial responsibility for making decisions upon the Japanese Government and to provide the machinery whereby this headquarters may review such decisions. No other method of review or interpretation is permissible.

By command of General MacArthur:

RICHARD J. MARSHALL,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:
(s) H. W. Allen, for
(t) B. M. Fitch,
Brigadier General, A.G.D., Adjutant General.

IMPERIAL ORDINANCE 101
INCLUDING AMENDMENTS

Article I. It shall be prohibited to form any political party, [illegible] or to orders issued by the Japanese Government in response to directives of the Supreme Commander for the Allied Powers, or,

2. Support or justification of aggressive Japanese military action abroad, or,

3 Arrogation by Japan of leadership of other Asiatic, Indonesian or Malayan peoples, or,

4 Exclusion of foreign persons in Japan from trade, commerce or the exercise of their professions, or,

5 Opposition to a free cultural or intellectual exchange between Japan and foreign countries, or,

6. Affording military or quasi-military training, or providing benefits, greater than similar civilian benefits, or special representation for persons formerly members of the Army or Navy, or perpetuation of militarism or a martial spirit in Japan, or,

7 Alteration of policy by assassination or other terroristic programs, or encouragement or justification of a tradition favoring such methods

Such activity on the part of any political party, association, society or other organization or of any individual or group as comes under any of the heads in the preceding paragraphs shall be prohibited

Article II Any organizations designated by the Minister of Home Affairs as coming under the provisions of the preceding Article, or Article IV, or the provisions which violate Article V, paragraph 1, shall be dissolved.

Article III [illegible]

All such property as mentioned in the preceding paragraph, including books, files and records, shall be seized and held in custody of the Government

Any such property which is seized and held in custody under the preceding paragraph may be exploited by the Government for the production of food and other purposes useful for people's life

Article IV Any organization shall, unless specially designated by the Minister of Home Affairs, be deemed [illegible]

teer Reserve, who have been on active duty since 1 January 1930, or (iii) any person who has served in or with the military police (Kempeitai), the TOKUMU KIKAN, KAIGUN TOKUMUBU or other special or secret intelligence or military or naval police organizations, or

b Its membership includes more than twenty-five percent of persons who were formerly members of an organization which comes under Article I or Article IVa

Article V–1 The formation or activity of any political party, association, society or other organization whose purpose or activity consists of one of the following heads shall be prohibited, unless it shall first have filed a declaration prescribed in the second paragraph of this article

1 Proposing or supporting candidates for public office.

2 Influencing the policy of Government

3 The discussion of the relations between Japan and foreign powers

[illegible] Metropolis where wards are the administrative units) in which it has or intends to have its principal office, and shall report changes in these matters to the authorities within 7 days

a. Its Name,

b Its purpose,

c The address of its principal offices,

d The names and addresses of its officers together with a statement as to their military or police service and the names of all organizations of which they are or have once been members,

e The names and addresses of substantial financial supporters and the amounts of their respective contributions,

f The names and addresses of the members, and the names of all political or ideological organizations with which they were previously affiliated

The provisions of the preceding two paragraphs shall not apply to trade unions and similar kind of organizations of workers or employees.

Article V–2 The Government shall be authorized to cause all persons having relations with any organization as specified in Article II (including any organization designated by the Minister of Home Affairs in accordance with the provisions of Article IV, Item a (i), to make necessary declarations in connection with the property mentioned in paragraph 2 of Article III, or dispatch competent officials to any place of necessity and have them execute the inspection of books and other matters of necessity.

Article V–3. Any person who has at any time

1. Been a founder, officer or director of; or
2. Occupied any post of authority in; or
3. Been an editor of any publication or organ of; or
4. Made substantial voluntary contributions to;

The national organization or Metropolitan, Do, Fu, Ken, Gun (Including area under jurisdiction of head of the Prefectural office), city, ward, town, or village branch of any organization falling under the provisions of Article VII as from 1 June 1948, shall be removed, or excluded, from public office as in the case of a person who falls under the Memorandum in accordance with the provisions of the Imperial Ordinance No. 1 of 1947 (Imperial Ordinance Concerning Removal and Exclusion From Public Service of Undesirable Personnel).

The organization mentioned in the preceding paragraph and the scope of officials, personnel, editors and contributors mentioned in Items 1 to 3 of the preceding paragraph shall be designated by the Attorney General and published in the Official Gazette.

Article V–4. Any person falling under the provisions of the preceding Article shall, at the time of the designation under paragraph 2 of the preceding Article, be regarded as designated as a person falling under the Memorandum in accordance with the Imperial Ordinance No. 1 of 1947, and the same Ordinance shall, in all cases, be applicable to such person.

Article V–5. Any person who is regarded as designated as a person falling under the Memorandum in accordance with the provisions of the preceding Article, and who is holding any public office as prescribed in the Imperial Ordinance No. 1 of 1947, shall leave such office as provided in Imperial Ordinance No. 1, 7 January 1947, Article III, paragraphs 1, 2, 3, 4, and 5.

Article VI. Any of the persons mentioned below shall be liable to imprisonment with hard labor or to imprisonment for a term not exceeding ten years, provided, however, that a fine not exceeding seventy-five thousand yen may be imposed when there are extenuating circumstances:

1. Any person who contravenes the provisions of Article I;
2. Any person who neglects to give any notice in accordance with the provisions of Article V, paragraph 2, or gives any notice which is untrue;
3. Any person who neglects to give any notice in accordance with the provisions of Article V–2 or gives any notice which is untrue, or refuses, obstructs or challenges the inspection.

Article VII–1. If any principal officer or substantial financial supporter, or any adviser or counsellor (including positions of similar and equivalent authority; the same to apply hereinafter) or member who falls under the Memorandum as prescribed in Imperial Ordinance No. 1, 1947, of a body dissolved in accordance with Article II (including those designated by the Minister for Home Affairs in accordance with Article IV, paragraph 1, (a) or any other body whose purpose, or the effect of whose activities is included in those enumerated in Article I, paragraph 1, and which has been dissolved by order of the Supreme Commander for the Allied Powers or of the Government, organized or helps to organize a new body whose purpose or the effect of whose activities, is included in those enumerated in Article I, paragraph 1, he shall be liable to a penalty not exceeding twice the maximum penalty prescribed in the preceding article.

If any person mentioned in the preceding paragraph has become a principal officer, adviser, counsellor, member or substantial financial supporter of a new body mentioned in the same paragraph, he shall be presumed to have organized or helped to organize such new body.

Article VII–2. Any person falling under the provisions of Article V–3, who does not take steps for his resignation in contravention with the provisions of Article V–5 or who, concealing the fact of his falling thereunder, assumes a public office, shall be liable to penal servitude or imprisonment for not more than ten years, provided that under extenuating circumstances, a fine not exceeding 75,000 yen may be imposed.

Article VIII. In case representatives of a judicial person, or agents, employees or other workers of a judicial or natural person have committed offenses mentioned in Article VI in connection of the activities of the judicial or natural person in question, not only the offenders shall be punishable but also the judicial or natural person concerned shall be liable to the fine provided for in that Article.

Supplementary Provisions
(23 February 1946)

The present Ordinance shall come into force as from 4 January 1946, except the provisions of Article VI to VIII and of the second and third paragraphs of Supplementary Provisions which shall come into force as from the day of the promulgation of the present ordinance.

The principal officers of an organization which comes under the provisions of the first paragraph of Article V and is in existence at the time of the promulgation of the present ordinance shall file a declaration prescribed in the second paragraph of the same article within twenty days after the day of the promulgation of the present ordinance.

The provisions of Article VII shall be applied *mutatis mutandis* to the cases provided for in the preceding paragraph.

Supplementary Provisions
(12 June 1946)

The present ordinance shall be enforced as from the day of its promulgation.

The director of any organization coming under the provisions of Article V, paragraph 1, of Imperial Ordinance No. 101 of 1946 which actually exists on the day

when the present ordinance comes into force, in accordance with the provisions of Item f, paragraph 2 of the same Article, shall make the required declaration within 20 days of the promulgation of the present Ordinance

The provisions of Article VII of Imperial Ordinance No. 101 of 1946 shall apply *mutatis mutandis* in the case mentioned in the preceding paragraph

The provisions of Article V-2 and paragraph 2 of Article VII of the Imperial Ordinance No 101, 1946 shall be *mutatis mutandis* applied to Imperial Rule Assistance Association, Imperial Rule Assistance Political Society and Political Society of Great Japan as well as all their affiliates, agencies, and successors.

Supplementary Provisions
(30 December 1947)

The present Order shall come into force as from the [illegible]

may be made for those bodies which have dissolved themselves after the enforcement of the said Ordinance

The secretary-general or other similar principal officer of a political party which has members of the Diet as its component members, shall report the names and addresses of the principal financial supporters (which will be coincident with the principal financial supporters as prescribed in Article VIII of the Ministry for Home Affairs Ordinance No 10, 1946), for the political party concerned and the sums of their contributions during the twenty-second year of Showa (1947) to the Governor of the prefecture (To, Do, Fu, Ken) where the principal office of the political party concerned is located, by the fifteenth day of the first month of the twenty-third year of Showa (1948)

Any person who neglects to give any notice in accordance with the provisions of the preceding paragraph or give any notice which is untrue shall be liable to imprisonment with hard labor or imprisonment for a term not exceeding 10 years, provided, however that a fine not exceeding seventy-five thousand yen may be imposed when there are extenuating circumstances.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500
3 May 1946.

AG 014.1 (3 May 46)GS
(SCAPIN 919)
Memorandum for: Imperial Japanese Government.
Through: Central Liaison Office, Tokyo.
Subject: Removal and Exclusion from Public Office of Diet Member.

1. Under the memorandum of 4 January 1946, "Removal and Exclusion of Undesirable Personnel from Public Office," (SCAPIN 550) the Japanese Government was directed to disqualify any candidate for the Diet who had deceived and misled the people of Japan within the spirit and letter of that directive.

2. After the election on 10 April 1946, the Central Liaison Office was informed that the eligibility of one Ichiro Hatoyama, (member-elect of the House of Representatives from the First Electoral District, Tokyo) to hold any public office being open to doubt in the light of evidence published subsequent to his screening by the Japanese Government, it was expected that his eligibility would be re-examined by the Government forthwith.

3. The Japanese Government having failed to act on its own responsibility, the Supreme Commander for the Allied Powers has determined the facts relative to Hatoyama's eligibility and finds that he is an undesirable person within the meaning of paragraphs 1 and 3 of Category "G," Appendix "A," SCAPIN 550 in that:

a. As Chief Secretary of the Tanaka Cabinet from 1927 to 1929, he necessarily shares responsibility for the formulation and promulgation without Diet approval of amendments to the so-called Peace Preservation Law which made that law the government's chief legal instrument for the suppression of freedom of speech and freedom of assembly, and made possible the denunciation, terrorization, seizure, and imprisonment of tens of thousands of adherents to minority doctrines advocating political, economic, and social reform, thereby preventing the development of effective opposition to the Japanese militaristic regime.

b. As Minister of Education from December 1931 to March 1934, he was responsible for stifling freedom of speech in the schools by means of mass dismissals and arrests of teachers suspected of "leftist" leanings or "dangerous thoughts." The dismissal in May 1933 of Professor Takigawa from the faculty of Kyoto University on Hatoyama's personal order is a flagrant illustration of his contempt for the liberal tradition of academic freedom and gave momentum to the spiritual mobilization of Japan which, under the aegis of the military and economic cliques, led the nation eventually into war.

c. Not only did Hatoyama participate in thus weaving the pattern of ruthless suppression of freedom of speech, freedom of assembly, and freedom of thought, but he also participated in the forced dissolution of farmer-labor bodies. In addition, his indorsement of totalitarianism, specifically in its application to the regimentation and control of labor, is a matter of record. His recommendation that "it would be well" to transplant Hitlerite anti-labor devices to Japan reveals his innate antipathy to the democratic principle of the right of labor freely to organize and to bargain collectively through representatives of its own choice. It is a familiar technique of the totalitarian dictatorship, wherever situated, whatever be its formal name, and however be it disguised, first to weaken and then to suppress the freedom of individuals to organize for mutual benefit. Whatever lip service Hatoyama may have rendered to the cause of parliamentarianism, his sponsorship of the doctrine of regimentation of labor identifies him as a tool of the ultra-nationalistic interests which engineered the reorganization of Japan on a totalitarian economic basis as a prerequisite to its wars of aggression.

d. By words and deeds he has consistently supported Japan's acts of aggression. In July 1937 he traveled to America and Western Europe as personal emissary of the then Prime Minister Konoye to justify Japan's expansionist program. While abroad he negotiated economic arrangements for supporting the war against China and the subsequent exploitation of that country after subjugation. With duplicity, Hatoyama told the British Prime Minister in 1937 that "China cannot survive unless controlled by Japan," and that the primary motive behind Japan's intervention in China involved the "happiness of the Chinese people."

e. Hatoyama has posed as an anti-militarist. But in a formal address mailed to his constituents during the 1942 election in which he set forth his political credo, Hatoyama upheld the doctrine

of territorial expansion by means of war, referred to the attack on Pearl Harbor as "fortunately . . . a great victory," stated as a fact that the true cause of the Manchuria and China "incidents" was the anti-Japanese sentiment (in C [illegible]
and 1929 had criticized the Ta [illegible]
weak-kneed diplomacy towa [illegible]
drafted by the Tanaka Cabin [illegible]
notorious Tanaka policy of world conquest, whether genuine or merely opportunistic, in and of itself brands Hatoyama as one of those who deceived and misled the people of Japan into militaristic misadventure

4 Accordingly, in view of these and other considerations not herein recited, the Imperial Japanese Government is directed to bar Ichiro Hatoyama from membership in the Diet and to exclude him from government service pursuant to SCAPIN 550.

FOR THE SUPREME COMMANDER

B M FITCH,
Brigadier General, AGD,
Adjutant General

EXTENSION OF THE PURGE

October 31st, 1946.

My dear General:

Further to my letter of October 22nd enclosing copies of the Government proposals, I have received a letter dated October 23rd from General Whitney, copy of which is enclosed herewith.

Before proceeding with the points raised by the General, I would like to state some of the principles with which the Japanese Government have so far dealt with the Purge.

A. I feel that the purge should be carried out in accordance with the actual and real conditions which existed or exist today in the country. I realize fully that your Purge Directive is linked with the Potsdam Declaration and also realize that the execution of the Directive in letter and spirit, particularly the latter, is so essential in order that the country should restore the respect and friendship of the Allied Powers and be made a member of the democratic world. But at the same time, the purge should be applied where it is due and although some cases of injustice could not be helped, the Government should feel its great responsibility towards the people in trying its utmost to minimize these unjust cases.

B. I am keenly aware of the fact that the most important work before the Government today is the rehabilitation of the ruined country. Before the rehabilitation is definitely set on its smooth way, the confusion and chaotic, economic as well as social, conditions must be taken care of. In this connection, I feel that to purge a man simply because he had some connection, however remote and superficial, with the military regime, would cause uninvited antagonism and disappointment among the people, thereby increasing the difficulties of the rehabilitation, formidable as they are, by creating feeling of dissention which must inevitably follow the purge unjustly applied.

C. I believe the regimentation of the military regime had been engineered by a clique of professional soldiers, of government officials, of right wing reactionary and of some members of Zaibatsu, and the people were merely the target of their scheme of regimentation. To accuse some portion of the people, who were actually regimented to do something without having been given any chance of voicing their opinion, the refusal of which would have probably meant self destruction in some form, of regimenting other people, is not, I think, reasonable. Take the case of Imperial Rule Assistance Association. There is no doubt that some executive members of the central organization should be held responsible for misleading the people to misery and unhappiness but local "influential members" of the association shared neither "ideals" nor feeling of comradeship with the central executives. I think it is similar to the case of one accidentally helping a burglar escape from the police pursuit by running into the police car by mistake.

D. With regard to the Purge, the important thing is for the people to realize its justification. The purge should be carried out with thorough conviction of the people that "justice is being done where it is due" and when it goes beyond the limit, it is bound to cause distrust of the Government and the purge. The Government should not give a moment of doubt to the people that it might be doing the purge for the sake of doing it and not for a real and high objective.

While keenly appreciating the fact that General Whitney has studied the Government's proposal with such care and understanding, I would venture to make the following comments:

1. "That persons deemed undesirable from any public office shall be barred from all public service." The Government, in close cooperation with the Government Section, set a certain "standard" for your Purge Directive and it was applied to the Cabinet Ministers, members of the House of Peers, Officers of Chokunin Rank or higher of the Government Services, candidates for the House of Representatives and holders of other important "public offices." In other words, the interpretation of your Purge Directive was definitely arrived at and made known to the people. My original intention was to adhere to this "standard" throughout, whether central or local, and I am still of the opinion that this is the legitimate and reasonable course to adopt. But having been advised of the disapproval of my intention, the Government proposal has been altered to set another "standard" for your Purge Directive to be applicable to local "public offices" but proposed that these two "standards" should, be strictly adhered to each respective "sphere." It has now been instructed that this discrimination should not exist and any one barred from local "public office" should also be barred from all other "public offices." Supposing the instruction were taken into effect, it would mean excluding or removing quite a number of the present members of the Diet, who held some local "public offices" at one time. I think the consequence would be most serious because the very question of faith and integrity of the Government would be involved. Based on your Purge Directive, the Gov-

ernment officially approved of their "qualifications" one day and still basing on the same directive, the Government could not, on another day, disapprove of their "qualifications "

2. "That local government and quasi-government office-holders shall not be permitted to perpetuate themselves in office " The Government's proposal is to screen, on the basis of the new standard of your Purge Directive, all candidates for the mayors of cities and their deputies, town and village headmen and their deputies and leave the rest to the freely expressed will of the people and I think this is the sound and reasonable course to follow As to the block heads (Chonaikaicho and Burakukaicho), the Government's proposal is to regard these positions as "public offices" and to prevent "undesirable" persons from holding these "offices " As explained officially before, these [illegible]

some portion of food rations during the war but most of these undesirable heads resigned on their own accord at the end of the war for their own "safety " It is also true that the Communists are agitating for their removal but I am convinced that the great majority of the people have no misconception as to the "duties" they performed during the war I know in some districts that the block heads were "elected" in rotation as no one wanted the job which demanded a great deal of time and attention without remunerations I am for the idea that these block heads should be elected by adult universal suffrage, but before embarking on such a course, these blocks should have legal status for which a law should be promulgated by the Diet

3 With regard to "influential members of the Imperial Rule Assistance Association," it seems to me that the "definition" for the 'influential members" was decided by the original interpretation of [illegible]

members, which actually means small functionaries, under the Purge is not only unreasonable but also unjust.

I may add that I seriously question the contention that "it was on the lowest level that direct [illegible]

ment of democracy and the continuation of the Emperor institution. They are the people who are now leading the country back to peace and order as they are and have always been the backbone of [illegible]

No doubt you are getting many letters urging the headquarters to extend the purge and I must confess that I get many of them myself But I feel certain that majority of the "middle of the road" people share my views as I have stated here

I earnestly appeal to you to let the Japanese Government handle the whole matter as we have [illegible]

Yours most sincerely,

(S) Shigeru Yoshida

General of the Army Douglas MacArthur
General Headquarters, Tokyo

Appendix B: 5g

GENERAL OF THE ARMY DOUGLAS MACARTHUR,
General Headquarters, Tokyo.

1 November 1946.

Dear Mr. Prime Minister:

I have carefully considered the points raised in your letter of last evening and have discussed the same at length with General Whitney.

As to your first point, since the Government's primary purpose underlying the proposed extension of the purge into the sphere of local government is to afford the people the opportunity for new local leadership, I see no adverse effect in delaying the application to officials in the national levels of government until the next general election. I understand that General Whitney holds a similar view and this seems clearly to be the intent of his memorandum.

As to your second point, I feel that the reasons given by General Whitney should control. There appears to be no justification for the exemption of local executive officials enumerated in General Whitney's memorandum from screening to determine undesirable persons within the purview of the purge.

In regard to the block heads, I am informed that General Whitney has already made it clear that, although they cannot succeed themselves in office at the next election, they are eligible thereafter for such office or for any other national or local elective or appointive posts, unless they fall under other provisions of the purge. Their ineligibility to succeed themselves, of course, in itself would attach no stigma under the purge.

As to your third point, while there appears to be no valid reason for differentiating in the influential character of the several offices of local branches of the Imperial Rule Assistance Association in the application of the purge, General Whitney has suggested the possibility of drawing a distinction between offices in city branches on the one hand and in town and village branches on the other, and I have asked him to explore the possibility further and to communicate to you his conclusion.

As soon as this one remaining point has been disposed of, the revised plan should promptly be made effective by the Government.

Very sincerely,

DOUGLAS MACARTHUR.

MR. SHIGERU YOSHIDA,
Prime Minister of Japan, Tokyo.

Appendix B 5h

IMPERIAL JAPANESE GOVERNMENT

December 21st, 1946

My dear General

In drafting an Imperial Ordinance to legalize the extention of your Purge Directive to local "public offices" and to influential members of economic and other fields, I understand the Central Liaison Office has obtained in principle, the approval of the Government Section of your Headquar- [illegible]

"Article X Any person who is a relative within the third degree by blood, marriage or adoption of any person who falls under the Memorandum shall be ineligible, for a period of ten [illegible]

has been barred specifically

[illegible]

because his relative, within the third degree, has been declared "undesirable" seems contrary to the prevailing sense of justice I appreciate fully the reasons behind the suggestion of the Government Section I think with them the importance of influences of "undesirable" persons being eliminated from "public offices" once for all and for the purpose of achieving this end, the new Imperial Ordinance will provide

"Article X Any person in the public service shall neither establish nor maintain, in con- [illegible]

Any person in the public service, *when prosecuted pertaining to violation of the provisions of the* [illegible]

by the Prime Minister

[illegible]

As to members of "Zaibatsu" families, we have your Directives to safeguard the possibility and they are out of the picture altogether as far as this apprehension is concerned

In conclusion, I would ask your permission to decide on the final draft of the Imperial Ordinance without the inclusion of the article suggested by the Government Section

Yours sincerely,

(S) Shigeru Yoshida

General of the Army Douglas MacArthur
General Headquarters, Tokyo

Tokyo, Japan.
26 December 46.

Dear Mr. Prime Minister:

I have carefully read your letter of December 21st and feel that you have misunderstood the purpose and effect of the proposed family article of the Imperial Ordinance implementing the extension of the purge under the Memorandum of 4 January 1946, (SCAPIN 550).

The article in question is not punitive; no one is adjudged guilty of any offense, nor is it intended that anyone be punished thereunder. The article simply bars one member of a family from succeeding to the power from which another member of the family has been removed.

Any realistic program for removing the influence of individuals purged from influential economic posts must meet effectively the vital and irrepressible issue of collusion. The provisions in the proposed Imperial Ordinance quoted on the second page of your letter recognize the existence of this problem by prohibiting the maintenance of continuity of influence. It is self-evident that such influence would be continued if a father, son, uncle, or nephew, etc. succeeded to the power of a purged individual. The provision merely sets up mechanics which will give fair assurance that the purge will not become a mockery through the device of "dummies." It does strike at that dangerous concentration of economic and political power which resides in the traditional family system.

The presumption of collusion among members of the same family is not novel. It exists in many nations. For example, in computing income tax, the United States internal revenue code allows no deduction in respect of losses from sales or exchanges of property, directly or indirectly, between members of a family. Similarly, in determining ownership of a foreign personal holding company, the law provides that an individual shall be considered as owning the stock held, directly or indirectly, by or for his family. Taking into consideration the nature of the Japanese family institution, the inclusion within the proposed ban of the third degree of consanguinity, whether by blood, marriage or adoption, affords a reasonable safeguard, even though under Japanese law the fourth degree of relationship is considered the range of family solidarity. Thus, Article 186 (1) of the Code of Criminal Procedure recognizes the right of relatives within this degree to refuse to give testimony against an accused relative. This provision would in itself make it impossible as a practical matter to convict any relative of colluding to perpetuate influence.

Other provisions in the Japanese law make it strikingly evident that members of a family, as such, are subject to different standards of conduct than those outside, and are considered as having a strong community of interest. A relative who harbors a criminal member of the family is not punishable under Article 105 of the Japanese Penal Code. Similarly, qualified exemptions from punishment are provided by the Penal Code when the crimes of theft, embezzlement, fraud and blackmail are committed against a relative.

As you know, the problem of providing an untainted leadership in Japanese political and economic life has caused considerable concern among the Allied Powers. Misgivings have been expressed in the press, in official circles, and on the floor of the British Parliament, that relatives of those persons exercising control prior to the occupation and now deemed undesirable will circumvent allied requirements by continuing to exert the same influence. I firmly believe that anything you can do to eliminate such concern and to prevent any continuance of past controlling influences will prove most healthy for Japan. It will establish unequivocally the purpose of the Japanese people to entrust the future of the nation to a leadership, political and economic, which has not been an influential or controlling part of either the private socialism of concentrated economic power or the totalitarianism of an authoritarian government. Both endanger democratic government by affording exclusive opportunity to a favored few. The proposed family article by insuring the diffusion of power and responsibility would tend to achieve this purpose in a manner consistent with our established aims.

Very sincerely,

DOUGLAS MACARTHUR.

MR. SHIGERU YOSHIDA,
Prime Minister of Japan, Tokyo.

IMPERIAL ORDINANCE NO 1 OF 1947

Promulgated on 4 January 1947

Article I Removal and exclusion from public service of undesirable personnel in pursuance of the Memorandum of the Supreme Commander for the Allied Powers dated 4 January 1946, on the removal and exclusion of undesirable personnel from public office (including extension of scope and criteria of screening as supplemented thereafter in the form of additional interpretations of the Memorandum called the Memorandum hereafter) shall be dealt with in accordance with the provisions of this Ordinance

Article II The term "public service" as used in this Ordinance shall mean and include positions of members of National Diet, personnel of the national government entity, assembly members and personnel of the local public organizations (including To, Do, Fu, Ken, Shi, Ku, Machi, Mura and Cho-Son Kumiai), and positions of specific personnel of specific companies, associations, mass communication media and other organizations, and shall be classified into the principal public office and the ordinary public office

The "principal public office" and the "ordinary public office" shall be defined by the Prime Minister

Article III Any person who falls under the provisions of Appendix "A" to the Memorandum, in case he holds any principal public office, shall and, in case he holds any ordinary public office, may be removed therefrom

[illegible]

the Memorandum hereafter), shall in case he does not retire from the position within twenty days from the day of the designation or the day of designation of positions as the public service, forfeit, regardless of the provisions of the other laws and ordinances, his position automatically on the twenty-first day from the said day However, the Prime Minister or the prefectural governor [illegible]

day from the said day

Any person who falls under the Memorandum shall be excluded thereafter from any position in the public service

When it is impossible to obtain a suitable replacement, person who falls under the Memorandum may, in spite of the provisions of the preceding three paragraphs, be temporarily retained or reinstated in the principal or ordinary public office in accordance with the rule laid down by the Prime Minister

Any person falling under the Memorandum whose [illegible]

not to be a person who falls under the Memorandum

Article IV The designation of a person [illegible]

Minister, by the Prime Minister or by the prefectural governor in accordance with the result of examination by the Public Office Qualifications Examination Committee Besides persons mentioned above, the Prime Minister or the prefectural governor, based upon reasonable evidence that a person is subject to the provisions of the Memorandum, may, on the basis of the findings of the Public Office Qualifications Examination Committee, designate him as falling under the Memorandum in accordance with a rule laid down by the Prime Minister (1)

Article V Any person who receives at present or who is entitled to receive any public or private pensions, annuities or other emoluments or benefits, in case he is designated as a person who falls under the Memorandum and accordingly retires from or forfeits his position, shall be deprived of such right or title since the date of the designation

With reference to the person provided in the preceding paragraph, the Prime Minister, when he deems it justified owing to special circumstances, may exempt the application of the provisions of the preceding paragraph in accordance with a rule to be laid down by the Prime Minister

Article VI Any person who falls under the Memorandum shall be disqualified from filing his candidacy for any elective position in the public service

Any candidate for any elective position in the public service, when designated under the provisions of Article IV, shall be deemed to have withdrawn his candidacy

Article VII In connection with designation provided in Article IV, the Prime Minister or the prefectural governor, shall collect the questionnaire prescribed by the Prime Minister.

The questionnaire collected under the preceding paragraph shall be forwarded immediately to the Public Office Qualifications Examination Committee concerned

The Prime Minister or the prefectural governor, at the request of the Public Office Qualifications Examination Committee concerned may cause persons who are concerned to present materials or to give explanations of facts to the Committee

Article VIII The Prime Minister [illegible]

In the above case the Prime Minister or prefectural governor shall forward relevant documentary evidence to the Central Public Office Qualifications Examination Committee.

The Prime Minister or prefectural governor when he considers necessary in connection with the provisional designation as prescribed in the paragraph 1 above, may cause persons concerned to present materials or give explanation of facts. (2)

Article VII–III. Any person who was designated provisionally in accordance with paragraph 1 of the preceding Article may, in case he deems that an error exists in connection with evidence based upon which he was designated provisionally, file letter of complaint with the Prime Minister or prefectural governor attached with the questionnaire prescribed in paragraph 1 of the preceding Article within thirty days from the day of provisional designation.

The Prime Minister or prefectural governor, when he accepts the letter of complaint in accordance with the provisions of the preceding paragraph, shall forward immediately documents relative to the case to Public Office Qualifications Committee.

In the above case, the Prime Minister shall, in accordance with the result of examination of the Central Public Office Qualifications Examination Committee, designate formally as falling under the Memorandum or certify as not falling thereunder.

In the case prescribed in paragraph 1 of the preceding Article, in case the letter of complaint is not filed in accordance with paragraph 1 above, it shall be deemed that the designation prescribed in Article IV above shall have taken place on the thirty first day from the day of provisional designation. (2)

Article VIII. When a notification of candidacy or a notification of recommendation for a candidate is required for running for election for elective position in the public service, any person who desires to file the notification or the notification of recommendation shall present, attach thereto, to the presiding officer of election or an official corresponding to the above a duplicate of certificate of eligibility to certify that the candidate is not a person who falls under the Memorandum.

The certificate of eligibility prescribed in the preceding paragraph shall be issued, in accordance with the rule laid down by the Prime Minister, by the Prime Minister or by the prefectural governor according to the result of examination conducted by the Public Office Qualifications Examination Committee on the questionnaire submitted by the person in question. (3)

Article IX. The Prime Minister or the prefectural governor, when he designates a person as falling under the Memorandum or issues the certificate of eligibility in accordance with result of the examination conducted by the Public Office Qualifications Examination Committee shall publish it immediately.

Article X. Any person who is a relative within the third degree by blood, marriage or adoption of any person who falls under the Memorandum shall be ineligible, for a period of ten years from the day of the designation, to succeed or to be appointed to any position or positions in the public service from which the latter has been removed as falling under the Memorandum (including position in connection with which a person be designated as falling under the Memorandum after his retirement therefrom and any principal public office from which the latter has been barred specifically) and, further, to exercise any of the power of the latter.

However, the provision of the preceding paragraph shall not be applied to any elective position in the public service.

Article XI. Any person in the public service shall neither establish nor maintain, in connection with his handling of official affairs or political activities, the continuity of influence of a person falling under the Memorandum on behalf of the latter by receiving instruction, advice or compensation from or communicating in any means with the latter.

Any person in the public service, when prosecuted pertaining to violation of the provisions of the preceding paragraph, shall not, regardless of the provisions of other laws and ordinances, carry out his official activities. In that case, when he holds position regarding which "temporary retirement or suspension from the office" is provided by law or ordinance, he shall be defined to have temporarily retired or to have been suspended from his office at the date of the prosecution.

Article XII. Any person falling under the Memorandum shall not cause a person in the public service, in connection with handling of official affairs or political activities of the latter, to establish or maintain, on behalf of him, the continuity of his influence by giving instruction, advice or compensation to or by communicating in any means with the latters.

Article XIII. Any person falling under the Memorandum shall neither make entry into nor retain or set up his dwelling or office in the place of business of the last position, designated as the public office under the provisions of Article II, which he occupied subsequent to July 7, 1937, from which he retired or which he forfeited, or in the place of business of government entity, company or other organization of business in which he had held the position causing his designation falling under the Memorandum or the place in the same premises which is under management of such organization. However, the provisions above shall not be applied to such entry as may be necessitated by his conduct of his private life or as to be established legally. (4)

Article XIV. Any person who falls under the Memorandum who holds any position in an executive, staff or other capacity, in addition to those designated as public office, in any newspaper company, magazine or other

publishing company, broadcasting corporation, company producing motion pictures, or in any other media of mass communication shall retire therefrom without delay

Any person who falls under the Memorandum shall be excluded from any position prescribed in the preceding paragraph

Article XIV–(2) Any person designated by the Prime Minister as falling under the Memorandum who holds any position in an executive, staff or other capacity, in addition to those designated as public office, of a company or financial institution succeeding those specifically designated by the Prime Minister, shall retire therefrom without delay

Any person designated as falling under the Memorandum prescribed in the preceding paragraph shall not assume hereafter any of the positions specified in the preceding paragraph

In case of application of the provisions of Arts XI to XIII inclusive to the person falling under the Memorandum, mentioned in paragraph 1, such positions as prescribed in the same paragraph shall be regarded as public office (5)

Article XV Any person who falls under the Memorandum shall be prohibited from filing a notification of recommendation for any candidate for any elective position in the public service (including the signing of notification of candidacy or notification of recommendation of any candidate) or to engage in any election campaign or other form of political activity

The Prime Minister or the prefectural governor shall, in case a person regarding whom he possesses reasonable evidence that the person is subject to the provisions of the Memorandum is engaging in any form of political activity, issue an injunction prohibiting such activity and require, in accordance with a rule laid down by the Prime Minister, the person to submit the questionnaire prescribed in Article VII, paragraph 1 above, which shall be forwarded immediately to the appropriate Public Office Qualifications Examination Committee for screening

[illegible] orandum

Any person whose political activities have been suspended under the provisions of paragraph 2 above shall be prohibited from engaging in any form of political activity until he is certified, in accordance with the provisions of the preceding paragraph, as not falling under the Memorandum (6)

Any person falling under the Memorandum shall not make an entrance into any office of the Electoral Administration Committee except in cases where it is necessary for the exercise of the right to vote (7)

Article 15–2 The Attorney-General shall effect observation over the movement of the person who falls under the Memorandum, to ascertain whether he has been observing the provisions specified in the present Imperial Ordinance or not

The Attorney-General may cause the prefectural governor to conduct a part of the business as mentioned in the preceding paragraph

Article 15–3 Any person who falls under the Memorandum shall, in accordance with the provisions of the Ordinance, notify matters concerning his name, date of birth, permanent address and other facts to the Attorney-General through a mayor of a city (including the head of a special ward), headman of a town or village, where he has his residence

Article 15–4 The Attorney-General may, when it is deemed necessary for effecting observation as mentioned in Article 15–2, cause a person who falls under the Memorandum or persons who are in connection with him to submit materials or written explanations relating to facts (8)

Article XVI Any person who comes under any one of the headings below shall be liable to penal servitude or imprisonment for not exceeding three years or to a fine of not exceeding 15,000 yen

(1) Any person who has made false entries or entries lacking full and complete disclosure on relevant or material matters in the questionnaires prescribed in Article VII, paragraph 1

(2) Any person who has been asked for presentation of the questionnaire prescribed in Article VII, paragraph 1, but failed to do so

(3) Any person who has been asked for presentation of material or explanation of facts under the provisions of Article VII, paragraph 3, or paragraph 3 of Article VII–II, but failed to do so or presented false materials or explanations, or materials or explanations lacking full and complete disclosure on relevant or material matters

(4) Any person who has committed wrongful act in connection with presentation of duplicate of the certificate of eligibility under the provisions of paragraphs 1 to 3 of Article VIII

(5) Any person who has made false entries or entries lacking full and complete disclosure in a report to be submitted to the Supreme Commander for the Allied Powers in pursuance of the provisions of the Memorandum

(6) Any person who has violated the provisions of Article XI, paragraph 1, Articles XII, XIII, XIV or Article XIV–(2)

(7) Any person who has violated the provisions of paragraph 1, 4, or 5 of the preceding article

(8) Any person who fails to give any notification, or gives a false notification or a notification lacking full and complete disclosure, under the provisions of article 15–3

(9) Any person who has been asked to submit materials or written explanations relating to facts under

the preceding Article, but fails to do so, or submits false materials or written explanation, or materials or written explanations lacking full and complete disclosure. (9)

Any person who has been sentenced to penalties provided in the preceding paragraph who does not fall under the Memorandum shall be removed, in addition to cases provided in other laws or ordinances, from any position in the public service which he occupies and be excluded thereafter from any position in the public service.

Any person coming under the preceding paragraph shall be ineligible for any elective position in the public service. Concerning a person who has filed his candidacy already he shall be defined to have withdrawn his candidacy. (10)

Supplementary Rule

The present Imperial Ordinance shall come into force as from the day of its promulgation.

The provisions of Article V shall be applied correspondingly to any person, while having retired during the time between January 4, 1946, and the promulgation of this Imperial Ordinance from public positions which come under the provisions of former Articles I and IV and which correspond to any of the public offices prescribed in this revised provision, who will be designated hereafter as falling under the Memorandum regarding positions from which he has retired.

Any person who retires from any public office after the day of the promulgation of this Imperial Ordinance, in case he is designated, regarding the position from which he retires, as a person falling under the Memorandum, shall be defined, in connection with application of the provisions of Article V, as a person who has been removed from public office as falling under the Memorandum.

With reference to elections to be held under the Imperial Order issued prior to the promulgation of this Imperial Ordinance, in accordance with Article 39, paragraph 1, of the Rule for Cooptation of High Tax Payer member of the House of Peers, the former provisions concerned shall be applied in spite of revised provisions of Article VIII.

The provisions of Article VIII, paragraphs 3 and 4 shall not be applied to election of members of City, Town or Village Land Committees (including those corresponding to the above), and to cooptation of members of the Prefectural Land Committee to be held in pursuance of paragraph 2 of the Supplementary Rule of the Imperial Ordinance No. 556 of 1946.

IMPERIAL ORDINANCE NO 2 OF 1947

Promulgated on 4 January 1947

Article I With a view to conducting examination concerning matters necessary for designation as a person who falls under the Memorandum in accordance with the provisions of the Imperial Ordinance No 1 of 1947 (called the Ordinance hereafter) and other matters prescribed in this Imperial Ordinance, there shall be established the Public Office Qualifications Examination Committee

The Public Office Qualifications Examination Committee shall be the Central Public Office Qualifications Examination Committee (called the Central Committee hereafter), the To, Do, Fu or Ken Public Office Qualifications Examination Committee (called the Prefectural Committee hereafter) and the Municipal Public Office Qualifications Examination Committee (called the Municipal Committee hereafter) The Central Committee shall be established in Tokyo, the Prefectural Committee in each To, Do, Fu or Ken, and the Municipal Committee in each city with a population exceeding 50,000 and other cities as may be designated by the Prime Minister

The Central Committee shall be under jurisdiction of the Prime Minister and the Prefectural and the Municipal Committee under the prefectural governor

Article II The Public Office Qualifications Examination Committee shall conduct examinations concerning the following matters, in the case of the Central Committee, regarding persons to be designated by the Prime Minister and persons to be provisionally designated by the Prime Minister in accordance with the provisions of Article 7-(2), paragraph 1, of the Ordinance, under the provisions of Article IV of the Ordinance, in the case of the Prefectural Committee, regarding persons to be designated by the prefectural governor under Article 4 of the Ordinance excluding those under the screening jurisdiction of the Municipal Committee and those to be [illegible]

(with the exception of the mayor and assembly members, and including positions of specific personnel, designated as public service, of specific organizations of the city level) and those who are to enter the public service of the city

(1) Personal records of persons to be designated as falling under the Memorandum under the provisions of Article IV of the ordinance and other matters necessary for the designation.

(2) Personal records of persons to be provisionally designated under the provisions of Article 7-(2), paragraph 1, of the Ordinance and other matters necessary for the provisional designation (11)

(3) Eligibility of mayor and headman of city, town, ward, or village (including those corresponding to the above), deputy mayor and deputy headman of city, town or village (including those corresponding to the above) in connection with the provisions of the Imperial Ordinances No 3 of 1947 (12)

Article III The Municipal Committee shall conduct examination on matters which come under its jurisdiction and submit a report, together with the questionnaire prescribed in Article VII, paragraph 2, of the Ordinance, to the Prefectural Committee on the proceedings and consequence thereof together with its recommendation concerning actions to be taken resultantly

Article IV The Prefectural Committee shall conduct examination concerning matters which come under its jurisdiction, review the consequence of examination by the Municipal Committee and submit a report to the prefectural governor on the proceedings and consequence of its examination or review, and its recommendation together with a copy of the questionnaire, concerning actions to be taken resultantly

Article V The Central Committee shall conduct examination concerning matters which come under its jurisdiction and submit a report to the Prime Minister on the proceedings and consequence thereof and its recommendation, together with a copy of the questionnaire, concerning actions to be taken resultantly

The Central Committee, besides with the above, may post-review the consequence of examinations conducted by the Prefectural or the Municipal Committee

The Central Committee, when it post-reviews in accordance with the provisions of the preceding paragraph, shall submit a report thereon to the Prime Minister, together with its recommendation

Article VI Upon receipt of the report from the Prefectural Committee under the provisions of Article IV above, the prefectural governor shall give decision and take, in accordance therewith, necessary actions such as designation of persons who fall under the Memorandum, issuance of the certificate of eligibility or other actions, publish the result thereof and make the questionnaire immediately available for public inspection, and, at the same time, submit a report thereon to the Prime Minister

Article VII. Upon receipt of the report provided in Article V, paragraph 1 from the Central Committee, the Prime Minister shall make decisions and take, in accordance therewith, necessary actions such as designation of persons who fall under the Memorandum, issuance of the certificates of eligibility or other actions, publish the result thereof and make the questionnaire immediately available for public inspection

Upon receipt of the report from the Central Committee

on post-review provided in Article V, paragraph 3, the Prime Minister, in accordance therewith, may make necessary recommendations or take other necessary actions to the prefectural governor concerned.

Article VIII. The Committee shall consist, in the case of the Central Committee, of not more than nine members and, in the case of the Prefectural or the Municipal Committee, of not more than five members.

In case it is found necessary for investigating and examining special matters, Temporary Commissioners may be appointed, provided that they shall not vote in the final decision of the Committee.

Article IX. The Chairman of the Committee shall be coopted from among the Commissioners.

Commissioners and Temporary Commissioners shall be appointed or commissioned, in the case of the Central Committee, by the Cabinet, in the case of the Prefectural Committee, by the Prefectural governor and, in the case of the Municipal Committee, by the mayor.

Article X. A quorum, in case of the Central Committee, of seven members and, in case of the Prefectural or the Municipal Committee, of three members, including Chairman respectively, is required for holding the Committee.

The final decision of the Committee shall be given by majority of attending members including Chairman.

In the events of tie, the Chairman shall cast a second and deciding vote.

Article XI. The Chairman, Commissioners, and Temporary Commissioners shall neither publish nor disclose any information concerning matters connected with the official duties of the Committee, except information published by the Prime Minister or the prefectural governor.

Article XII. In order to deal with miscellaneous matters, the Central Public Office Qualifications Committee shall have a Secretariat.

The Secretariat shall be composed of the following personnel:

Chief Secretary
Secretariat member
Cabinet Official
  Second grade 7 (full time)
  Third grade 15 (full time)

Chief Secretary shall be appointed by the Prime Minister from among men of knowledge and experience.

Chief Secretary shall supervise administration of Secretariat work under direction of the Chairman of the Committee.

Secretariat members shall be filled with the cabinet officials mentioned in paragraph 2 above.

Secretariat members, besides those mentioned in the preceding paragraph, may be appointed or commissioned by the Cabinet from among government officials of each ministry concerned or men of knowledge and experience.

Secretariat members shall dispose of Secretariat works under direction of the Chief Secretary.

With persons appointed as Chief Secretary or Secretariat members, the provisions of the "Regulations on Discipline of Government Officials" shall be applied correspondingly. (13)

Article XIII. The Committee (excluding the Central Committee) shall have Secretaries.

Secretaries shall be appointed or commissioned, in the case of the Prefectural Committee, by the prefectural governor, and, in the case of the Municipal Committee, by the mayor.

The Secretaries shall take charge of miscellaneous affairs under the direction of their superiors. (14)

Article XIV. The procedure of examination and other necessary matters relating to the affairs of the Committee shall be determined by the Chairman. (15)

Supplementary Rule

The present Imperial Ordinance shall come into force as from the day of its promulgation.

IMPERIAL ORDINANCE NO 3 OF 1947

Promulgated on 4 January 1947

Persons who have held position of mayor or deputy-mayor consecutively from the day of or prior to September 1, 1945, till 1 September 1946, shall be barred, even though they do not fall under the provisions of the Memorandum as prescribed in Article III of the Imperial Ordinance No 1 of 1947, from being candidate for mayorship and also from being appointed to deputy-mayor, at the first election to be held in pursuance of the provisions of the Law No 28 of 1946 (Law to Amend a part of the Law for the organization of Cities), and furthermore, during four years beginning with the day of the said election

Persons who have held position of mayor or deputy-mayor prescribed in the preceding paragraph who hold the office of deputy mayor at the day of assumption of office by new mayors elected by the election mentioned in the preceding paragraph shall be removed from their offices on that day

Provisions of the preceding two paragraphs shall be applied correspondingly to ward headmen of wards in Tokyo Metropolis, headmen or deputy-headmen of towns or of villages and those corresponding to the above

Supplementary Rule

The present Imperial Ordinance shall come into force as from the day of its promulgation

CABINET AND HOME AFFAIRS MINISTRY ORDINANCE NO. 1 OF 1947

Promulgated on 4 January 1947

Article I. The criteria under which any person will be designated as a person who falls under the Memorandum in accordance with the provisions of Articles III and IV of the Imperial Ordinance No. 1 of 1947 (called the Ordinance hereafter), are defined in Appendix I.

Article 2. Positions of the principal public office and the ordinary public office prescribed in Article II of the Ordinance are designated as in Appendix II. However, designation as public service of positions which are not mentioned specifically shall be effected by a notification to each company, association or other organization concerned.

Of the notifications of the public service to be made in accordance with the provisions of the Proviso to the preceding paragraph, those to the organizations and their branches mentioned in Categories 8 and 10 of Appendix II shall, under the direction of the Prime Minister, be made by the Governor of To, Do, Fu or Ken. (17)

Article 3. The retention or reinstatement of persons who fall under the Memorandum under the provisions of Article III, paragraph 4, of the Ordinance shall be made only in such cases as are prescribed in the proviso of paragraph 8 or 9 of the Memorandum.

Article 4. Classification of positions in public service according to which the Prime Minister or the prefectural governor will make designation as a person who falls under the Memorandum in accordance with the provisions of Article IV of the Ordinance are defined in Appendix III.

The extent of persons to be provisionally designated in accordance with the provisions of Article VII-(2), paragraph 1 of the Imperial Ordinance, by the prefectural governor, shall be as mentioned in Appendix 4. (18)

Article 5. The designation prescribed in Article IV or the provisional designation prescribed in paragraph 1 of Article VII-II of the Ordinance shall be effected by a notification to the person in question. However, as to the person whose address it is impossible to know and the person who notified that he had been commissioned officer in the regular Army or Navy, or Army or Navy Special Volunteer Reserve Offices, under the Provisions of Article 1 of the Ministry for Home Affairs Ordinance No. 30 of 1946, the provisional designation of Article VII-(2), paragraph 1 of the said Imperial Ordinance, shall be made in the Official Gazette. (19)

The Prime Minister or the prefectural Governor, when giving the notification of designation under the preceding paragraph, shall also notify to the same effect, concerning a candidate for any elective position in the public service, the electoral administration committee concerned or other person corresponding to the above. (20)

Article 6. The Prime Minister or the prefectural governor, when giving the notification prescribed in the paragraph 1 above to a person who has the right or is entitled to receive public or private pensions, annuities or other allowances or benefits who comes under the provisions of article V, paragraph 1, of the Ordinance, shall also notify to the same effect the person who is in charge of paying such pensions, etc.

The Prime Minister, when exempting application of the provisions of Article V, paragraph 1, of the Ordinance in pursuance of the provisions of paragraph 2 of the same Article, shall also notify to the same effect the person in question and the person who is in charge of paying such pensions, etc., prescribed in the preceding paragraph.

Article 7. The questionnaire prescribed in Article VII, paragraph 1, of the Ordinance shall be collected, in case by the Prime Minister, in three copies and, in case by the prefectural governor, in two copies according to the Form No. 1 attached hereto. The prefectural governor may ask for, concerning persons regarding whom he deems necessary, three additional copies of the questionnaire.

Any person who is in possession of a certificate of eligibility may submit a copy of its duplicate instead of the questionnaire prescribed in the preceding paragraph. However, regarding public offices to be designated by Prime Minister in accordance with the Appendix III, the certificate of eligibility issued by the Prefectural Governor shall be invalid.

Questionnaires to be submitted, in accordance with paragraph 1 of Article VII-III of the Ordinance, attached with the letter of complaint, shall be presented in triplicate. (21)

Article 8. A person who desires to file a notification of candidacy or a notification of recommendation for a candidate for any elective position in the public service shall apply, in the case of a candidate for positions to be designated by the Prime Minister as defined in Appendix III, to the Prime Minister, and, in the case of a candidate for positions to be designated by the prefectural governor as defined in the said Appendix, to the prefectural governor concerned, by the date to be set by them, for certification that the person to be the candidate does not fall under the Memorandum.

Any person who desires to apply for the certification prescribed in the preceding paragraph shall file the application, in the case of applying to the Prime Minister, with the Prime Minister through the prefectural governor having jurisdiction over the living place of the applicant, and, in the case of applying to the prefectural governor, with the competent prefectural governor of To, Do, Fu, or Ken where the notification or the notification

of recommendation will be filed, accompanied respectively, in the former case, with four copies, and, in the latter case, with two copies of the questionnaire, in the Form No 1 attached hereto.

Upon acceptance of the questionnaire prescribed in the preceding paragraph, the Prime Minister or the prefectural governor shall forward them immediately to the competent Public Office Qualifications Examination Committee for its examination.

The Prime Minister or the Prefectural Governor, when he accepts the questionnaire prescribed in paragraph 2 above, may ask for additionally necessary copies of the questionnaire from candidates whom he deems necessary (22)

Article 9 In connection with the application prescribed in the preceding Article, the Prime Minister or the prefectural governor, when satisfied, as the result of the examination by the Public Office Qualifications Examinations Committee, that the person in question does not fall under the Memorandum, shall issue to the person a certificate of eligibility in the Form No 2 attached hereto

Any person who has submitted the questionnaire in accordance with the provisions of Article 7, paragraph 1, and been established that he does not fall under the Memorandum, may apply to the Prime Minister or to the prefectural governor for issuance of the certificate of eligibility.

The certificate of eligibility prescribed in the first or [illegible]

mentioned in the questionnaire, will be decided to fall under the Memorandum The certificate of eligibility issued by the Prefectural Governor in accordance with [illegible]

[illegible] thereof (23)

Article 10 Any person who falls under the Memorandum prescribed in Article 14-(2), paragraph 1, of the Ordinance shall be a person who was designated as falling under the Memorandum in pursuance of the provi- [illegible]

tution" provided for in Article 15, paragraph 1, of the Financial Institution Reconstruction and Reorganization Law or financial institution to which the business or insurance policy has been transferred in accordance with the provisions of Article 26, paragraph 2, of the same Law, (24) which succeeds any one of companies or financial institutions listed in paragraph 11 or 12 of [illegible]

Supplementary Rule

The present Ordinance shall come into force as from [illegible]

at the time of the promulgation of this Ordinance, governmental offices prescribed in Article I of the Imperial [illegible]

being appointed to which or for holding which they have been cleared under the previous stipulations, until the next election

a. Paragraph IV, subparagraph 1
"Chief, Secretary-General, or Chief of a Section of a Municipal Branch of Tokyo, Kyoto, Osaka, Yokohama, Kobe, and Nagoya cities (called the six principal cities hereafter) Chairman of a Municipal Cooperation Conference of the six principal cities
Chief or Secretary-General of a Gun, City (excepting the six principal cities, ditto hereafter) or *Ward Branch.*
Chairman of Gun, City or Ward Cooperation Conference
Chief of a Town or Village Branch
Chief of a Town or Village Branch Cooperation Conference "

[illegible]

pal cities
Chief of a Gun, City, Ward, Town or Village Branch "

c Paragraph IV, subparagraph 4 (Dai Nippon Seiji Kai)
"Chief of a prefectural Branch "

Ken, Gun (including area under jurisdiction of head of branch of the prefectural office), city, ward, town, or village branch of any of the following organizations.

Tokyo Metropolis

[illegible]

ci-

ety)

[illegible]

Patriotic Society).

(9) Dai Nippon Gokoku Gun (Greater Japan Patriotic Militia).

(10) Dai Nippon Isshin Kai (Great Japan Renovation Society)

(11) Dai Nippon Keikoku Renmei (Great Japan Statecraft Alliance)

(12) Dai Nippon Kinno Doshi Kai (Great Japan Loyalist Comrades Society)

(13) Dai Nippon Kinno Kai (Great Japan Loyalist Society)

(14) Dai Nippon Kodo Kai (Great Japan Imperial Morality Association)

(15) Dai Nippon Seisan To (Great Japan Production Party)

[illegible]

sociation of National Movements for Construction of Greater East Asia)

(19) Dai Toa Kensetsu Kyokai (Greater East Asia Construction Society)

(20) Dai Toa Kyokai (Great East Asia Association)

(21) Dai Toa Seinen Domei (Great East Asia Young Men's Alliance)

(22) Dai Tō Sha (Greater Union Association)

(23) Dai Toa Seinen Tai (Greater East Asia Youth Corps)

(24) Daito Juku (Eastern Academy)

(25) Dojin Kai (Equal Benevolence Society)

(26) Dokuritsu Seinen Sha (Independent Youth Association)

(27) Genri Nippon Sha (Principle Japan Society)

(28) Genyosha (Dark Ocean Society)

(29) Ishin Koron Sha (Restoration Public Opinion Society)

(30) Jiken Shori Kenkyu Kai (Society for the Study of Management of the Incident).

(31) Jikishin Dojo (Righteous Academy)

(32) Jikyoku Kyogi Kai (Current Affairs Discussion Society)

(33) Jinmu Kai (Jinmu Association)

(34) Kai Jin Kai (Oceanic Benovelence Society)

(35) Kaiko Sha (Army Officer's Association)

(36) Kakumei-Sha (The House of the Cry of the Crane)

(37) Ketsumei Dan (Blood Brotherhood Circle)

(38) Kannagara Renmei (Devine Way League)

(39) Kenkoku Kai (National Foundation Society).

(40) Kinkei Gakuin (Golden Pheasant Institute)

(41) Kinno Gokoku Kai (Defense Loyalist Society)

(42) Kinno Ishin Do Mei (Loyal Restoration Alliance)

(43) Kinno Makoto Musubi (Loyalist True Solidarity)

(44) Koa Mekkyo Renmei (Asia Development and Anti-Communist League)

(45) Koa Undo Doshi Kai (Asia Development Movement Comrades Association)

(46) Kodo Yokusan Seinen Renmei (Imperial Rule Assistance Young Men's Alliance)

(47) Kokuryu Kai (Black Dragon Society)

(48) Kokusai Hankyo Renmei (International Anti-Communist League)

(49) Kokusai Seikei Gakkai (International Political

[illegible]

(52) Kokusui Taishu To (Ultranationalist People's Party)

(53) Kokutai Yogo Rengo Kai (National Institution Protection League).

(54) Komin Jissen Kyogikai (Imperial Subject Action Discussion Association)

(55) Meirin-Kai (Higher Ethics Society)

(56) Meirin-Kai Rengo-Kai (Higher Ethics Society Association).

[illegible]

League)

(61) Nippon Shiso Kenkyu Kai (Society for the Study of Japanese Thought)

(62) Seikyo Sha (Religion and Politics Society).

(63) Seinen Ajia Domei (Young Men's Asia Alliance)

(64) Seisen Kansho Kai (Society for Complete Triumph of Holy War)

(65) Seisen Kantetsu Domei (Alliance for Complete Holy War)

(66) Seisen Meicho Undo [illegible] fying National Movement [illegible]

(67) Sekai Koka Kai (World [illegible]

(68) Shin-ei Tatshuto ([illegible]

(69) Shinto Juku (East Prosperity Academy).
(70) Shirin Sha (House of Knights).
(71) Shinpu Tokko Kozokutai (Divine Tempest Special Attack Succeeding Party).
(72) Sonjo Doshikai (Loyalist Comrades Society).
(73) Suikosha (Navy Officers' Association).
(74) Sumera Mikuni Doshi Kai (Imperial State Comrade Society).
(75) Sumera Mikuni Undo Domei (Imperial State Movement League).
(76) Taika Kai (Great Change Society).
(77) Taikō Sha (Great Action Company).
(78) Taishi Doshi Kai (Chinese Problem Society).
(79) Tekketsu Sha (Blood and Iron Association).
(80) Tenkan Dakai Kisei Kai (Heaven Warrior Break Open Association).
(81) Tenkokai (Heavenly Action Society).
(82) Tenshōgi Dan (Heavenly Rays Patriotic Association).
(83) Toa Kyokai (East Asia Society).
(84) Toa Renmei (East Asia League) which will mean and include
Toa Renmei Doshikai (East Asia League Comrades Association).
Toa Renmei Kyokai (East Asia League Society).
(85) Toa Shisosen Kenkyujo (Research Institute for East Asia Thought War).
(86) Toa Shinchitsujo Kenkyukai (Society for the Study of the East Asian New Order).
(87) Toho Doshikai (Far Eastern Comrades Association).
(88) Toho Kai (Including Shin To Sha) (Eastern Society).
(89) Tokyo Sosei Kai (Tokyo Creation Society).
(90) Tonan Ajia Minzoku Kaiho Domei (Southeastern Asiatic Races Liberation Alliance).
(91) Toten Juku (Heaven Governing Academy).
(92) Yamato Kurabu (Yamato Club).
(93) Yamato Musubi (Including Dai Nippon To) (Yamato Solidarity Headquarters).
(94) Yusōn Sha (Remaining Force Association).
(95) Zen Nippon Seinen Kurabu (All Japan Young Men's Club).
(96) Zen Nippon Kokumin Tokko Tai Sohonbu (General Headquarters of All Japan Special Attack Corps).

Hokkaido

(97) Hokkaido Kokumin Dojo (Hokkaido National Academy).

Kyoto Prefecture

(98) Daido Juku (Cardinal Principle Academy).
(99) Isshin Juku (One Heart Academy).
(100) Kinno Makoto Musubi Kyoto Chiho Jimukyoku (Kyoto Loyalist True Solidarity Office).
(101) Shishin Ryo (Sincerity House).

Osaka Prefecture

(102) Dai Nippon Yuko Kai (Great Japan Development Society).
(103) Kakushi Seinen To (Youth Renovation Party).
(104) Kinno Makoto Musubi Osaka Chiho Jimykyoku (Osaka Loyalist True Solidarity Office).
(105) Kokuchudan (Country Pillar Party).
(106) Tenchu Juku (Sky Support Pillar Academy).

Nagasaki Prefecture

(107) Nagasaki Ken Sosei Kai (Nagasaki Prefecture Creation Society).

Niigata Prefecture

(108) Shinno Juku (Sacred Agriculture Academy).

Ibaragi Prefecture

(109) Aikyo Juku (Native Country Loving Academy).
(110) Aikyo Kai (Native Country Loving Society).
(111) Ikken Kinno Undo (Prefecture Loyalist Movement).
(112) Kinno Yamatomusubi Ibaragi-Chiho Jimukyoku (Ibaragi Loyalist True Solidarity Office).
(113) Mito Himorogi Juku (Mito Divine Academy).
(114) Shizan Juku (Purple Mountain Academy).
(115) Toten Kai (Eastern Sky Society).

Aichi Prefecture

(116) Kinno Makotomusubi Tsushima Dojo (Tsushima Loyalist True Solidarity Hall).

Nagano Prefecture

(117) Shinano Himorogi Juku (Shinano Divine Academy).

Fukushima Prefecture

(118) Fukushima Himorogi Juku (Fukushima Divine Academy).
(119) Kodo Ishin Juku (Imperial Morality Restoration Academy).

Aomori Prefecture

(120) Aomori-Ken Kinno Seinen Domei (Loyalist Youth Alliance of Aomori Prefecture).
(121) Shinto Juku (Rising East Academy).
(122) Toten Juku (Eastern Sky Academy).

Yamagata Prefecture

(123) Komatsu Kinno Makoto Musubi (Komatsu Loyalist True Solidarity).
(124) Toko Kai (Eastern Light Society).
(125) Yonezawa Himorogi Juku (Yonezawa Divine Academy).

Toyama Prefecture

(126) Kenshin Juku (True Exaltation Academy).
(127) Seimei Juku (Sacred Clarity Academy).
(128) Tateyama Juku (Mt. Tateyama Academy).
(129) Toyama Seinen Yushi Kai (Toyama Youth Volunteers Society).
(130) Yushi Juku (Gallant Figure Academy).

Okayama Prefecture

(131) Chuwa Kinno Makoto Musubi (Chuwa Loyalist True Solidarity).

(132) Kinno Makoto Musubi Okayama-Chiho Jimukyoku (Okayama Loyalist True Solidarity Office)
(133) Kurashiki-Shi Kinno Makoto Musubi (Kurashiki City Loyalist True Solidarity)
(134) Okayamashi Kinno Makotomusubi (Okayama City Loyalist True Solidarity)
(135) Tsuyama Kinno Makoto Musubi (Tsuyama Loyalist True Solidarity)
(136) Waki Kinno Makoto Musubi (Waki Loyalist True Solidarity)
(137) Yatsuka Kinno Makoto Musubi (Yatsuka *Loyalist True Solidarity*)

Gifu Prefecture

(138) Kokumin Seikatsu Kenekyujo (National Living Institute)

Wakayama Prefecture

(139) *Nippon Sumera (Nippon Kodo To)—Japan* Kodo To (Japan Imperial Way Party)
(140) Otakebi Kai (Gallant Boar Society)

Kagawa Prefecture

(141) Kagawa Kinno Makoto Musubi (Kagawa Loyalist True Solidarity)

Fukuoka Prefecture

(142) Daia Takushi Gijuku (Great Asia Pioneer School)
(143) Konan Seinen Juku (South Development Young Men's Academy)

Saga Prefecture

(144) Kumamoto Ken, Nippon Koito Doshi Kai (Kumamoto Prefecture, Carp Banner Comrade Society)
(145) Saga Ken Issin Doshi Kai (Saga Prefecture Renovation Comrade Society)

IV. Persons Influential in the Activities of IRAA, IRAPS, and the Political Associations of Great Japan (27)

Any person who has at any time held any of the following or commensurate positions

1 The Imperial Rule Assistance Association
Shintaisei Jumbi-Iin (Member of the New Political Order Preparation Committee)
President (Sosai)
Vice-President (Fuku Sosai)
Standing Advisor (Jonin Komon)
Advisor (Komon)
Standing Member of the Board of Directors (Jonin Somu)
Member of the Board of Directors (Somu)
Chairman of the National Cooperation Conference (Chuo Kyoryoku Kaigi Gicho)
Secretary-General of the National Headquarters (*Chuo Honbu Jimu Socho*)
Director of a Bureau of the National Headquarters or Principal of the Central Training Institute (Chuo Honbu Jimu-Kyoku Kaku Kyoko Cho Oyobi Kunran Shocho), Chief (Bucho) or influential Deputy Chief (Fuku Bucho) of a Section of the National Headquarters or of the Central Training Institute
President (Sori) and Secretary-General (Honbu Cho) of the Asia Development Headquarters (Koa So Honbu).
Chief of a bureau (Kyoku Cho) of the Asia Development Headquarters
Chief (Bu Cho) or influential Deputy
Chief (Fuku Bu Cho) of the Asia Development Headquarters
Chief (Shibucho), Secretary-General (Jimu Kyoku Cho) or Chief of a section (Bucho) of a Prefectural Branch
Chairman of a Prefectural Cooperation Conference (Kyoryoku Kaigi Gicho)
Chief (Shibucho), Secretary-General (Jimu Kyoku Cho), or Chief of a Section (Bucho) of a Municipal Branch of Tokyo, Kyoto, Yokohama, Osaka, Kobe and Nagoya Cities (Called the six principal cities hereafter)
Chairman of a Municipal Cooperation Conference (Kyoryoku Kaigi Gicho) of the six principal cities
Chief (Shibucho) or Secretary-General (Jimucho) of a Gun, City (Excepting the six principal cities, ditto hereafter) or Ward Branch
Chairman of a Gun, City or Ward Cooperation Conference, Chief (Shibucho) of a Town or Village Branch
Chairman of a Town or Village Branch Cooperation Conference

2 Affiliates of the IRAA

A Dainippon Yokusan Sonendan (The Imperial Rule Assistance Youth Association of Great Japan).
President (Dan-cho)
Vice-President (Fuku Dancho)
Advisor (Komon)
Member of the Board of Directors (Somu)
Member of the Executive Committee (Riji)
Secretary (Kanji)
Director of the National Headquarters (Honbucho)
President (Dancho), Vice-President (Fuku Dancho), Member of the Board of Directors (Somu), Director (Honbucho), or Chief of a Section (Bucho) of a Prefectural Branch
Chief (Dancho), Deputy Chief (Fuku Dancho), Member of Board of Directors (Somu) Secretary-General (Honbucho), Chief of a Section (Bucho) of a Municipal Headquarters of the six principal cities.

Chief (Dancho) of a Gun, City, Ward, Town or Village Branch.

B. Dainippon Koa Domei (The Asia Development League of Great Japan).

President (Sosai).
Chancellor (Tori).
Vice-President (Fuku Sosai).
Standing Advisor (Jonin Komon).
Chairman of the Board of Directors (Riji-cho)
Vice-Chairman of the Board of Directors (Fuku Riji-cho).
Standing member of the Board of Directors (Jomu Riji).
Member of the Board of Directors (Riji).
Secretary-General (Jimu Socho).
Assistant Secretary-General (Jimu Jicho).
Director of a Bureau of the Secretariat (Jimukyoku Kaku Kyoku-cho).
Chief (Shibu-cho) of a Prefectural Branch.

C. Other Affiliates:

Dai Nippon Sangyo Hokokukai (Great Japan Industrial Patriotic Association).
Nippon Kaiun Hokokukai (Japan Navigation Patriotic Association).
Dai Nippon Seishonen Dan (Great Japan Youth Association).
Dai Nippon Fujin Kai (Great Japan Women's Association).
Dai Nippon Romu Hokokukai (Great Japan Laborer's Patriotic Association).
Nogyo Hokoku Renmei (Agricultural Patriotic Association).
Shogyo Hokoku Kai (Commercial Patriotic Association).
Kokubo Kikaika Kyokai (National Defense Movement for Mechanical Forces Association).
President (Sosai, Kaicho or Dancho).
Vice-President (Fuku Sosai, Fuku Kaicho, Fuku Dancho).
Chairman of Board of Directors (Riji Cho).
Vice Chairman of Board of Directors (Fuku Riji Cho).
Active member of Board of Directors.
Active Advisor.

3. Yokusan Seiji Kai (The Imperial Rule Assistance Political Society).

Yokusan Seiji Kosshu Jumbikai Iin (Member of the Imperial Rule Assistance Political Consolidation Preparation Committee).
President (Sosai).
Advisor (Komon).
Standing member of the Board of Directors (Jonin Somu).
Member of the Board of Directors (Somu).
Chairman of the Committee for Investigation of Political Affairs (Seimu Chosakai-cho).
Chairman of the Association of Member of the House of Representatives (Daigishikai-cho).
Secretary General (Jimukyoku-cho).
Auditor (Kaikei Kantoku).
Chief of a Section of the Secretariat (Jimukyoku Kaku Bucho).

4. Dai Nippon Seiji Kai (The Political Association of Great Japan).

Any person who took part in the planning of the foundation of the Association:
President (Sosai).
Advisor (Komon).
Member of the Board of Directos (Somu).
Chief Secretary (Kenjicho).
Chairman of the Committee for Investigation of Political Affairs (Seimu Chosakai-cho).
Chairman of the Association of Member of the House of Representatives (Daigishikai-cho).
Auditor (Kaikei Kantoku).
Chief of a Section (Kaku Bucho).
Chief of a Prefectural Branch (To-Do-Fu-Ken Shibu-cho).

5. Member of Yokusan Saiji Taisei Kakuritsu Kyogikai (Council for Establishing the Imperial Rule Assistance Political Structure, including the local branches thereof).
6. Editor of any publication or organ of any of the organizations mentioned in Items 1–5 above.

Note: In those cases where there have been any changes in the names of the above-mentioned organizations or offices due to the changes made in the rules relating thereto the present Paragraph will apply also to such organizations or offices corresponding to those mentioned in the paragraph.

V. Officers of Financial and Development Organizations involved in Japanese Expansions:

1. Any person who has at any time between 7 July 1937 and 2 September 1945 occupied the position of Chairman of the Board of Directors, President, Vice-President, Directors, Advisor, or Auditor of any of the following or, manager of a controlling branch or a branch commensurate thereto the following in Japanese Colonial Possession or Territory occupied by the Japanese Army since July 7, 1937:

South Manchurian Railway Company (Minami Manshu Tetsudo K. K.).
Manchurian Development Company (Manshu Takushoku Kosha) (Including Manchurian Development Joint Stock Co., Ltd. or Manshu Takushoku K. K.).
North China Development Company (Kitashina Kaihatsu K. K.).

Central China Development Company (Nakashina Shinko K. K)
Southern Development Company (Nanyo Takushoku K. K)
Formosan Development Company (Taiwan Takushoku K K)
Manchurian Heavy Industry Company (Manshu Jukogyo K K)
Nanyo Development Company (Nanyo Kohatsu K K)
Oriental Development Company (Toyo Takushoku K K)
Wartime Finance Bank (Senji Kinyu Kinko)
Southern Development Bank (Nampo Kaihatsu Kinko)
Overseas Funds Bank (Gaishi Kinko)
Chosen Colonization Bank (Chosen Shokusan Ginko)
Deutsche Bank Fuer Ostasien (Doitsu Toa Ginko)
Bank of Chosen (Chosen Ginko)
Bank of Taiwan (Taiwan Ginko)
Central Bank of Manchukuo (Manshu Chuo Ginko)
Manchurian Development Bank (Manshu Kogyo Ginko)
Karafuto Development Company (Karafuto Kaihatsu K K)
Korean Trust Company (Chosen Shintaku K K)
Manchuria Investment Securities Company (Manshu Toshi Shoken K K)
Federal Reserve Bank of China (Chukoku Rengo Junbi Ginko)
Korean Cooperative Union of Credit (Chosen Kinyu Kumiai Rengo Kai)
Bank of Mongolia (Mokyo Ginko)
National Banking Bureau of Thailand (Taikoku Kokuritsu Ginko Kyoku)
Central Reserve Bank of China (Chuo Chobi Ginko)
Bank of Thailand (Taikoku Ginko)
South China Bank (Kanan Ginko)
Yokohama Specie Bank (Yokohama Shokin Ginko)
Any other bank, development company or institution whose foremost purpose has been the financing of colonization and development activities in colonial and Japanese occupied territory or the financing of war production by the mobilization or control of the financial resources of colonial or Japanese-occupied territories

2 Any person who has held the position of the Manager of a branch, or agency or a representative in the territory occupied by the Japanese armed forces of the Bank of Japan at any time between July 7, 1937 and September 2, 1945

VI Governors of Occupied Territories. Any person who has held any of the following positions:

1 Korea
Any person who has since July 7, 1937 held the position of.
Governor General, or
Superintendent General of Political Affairs (Seimu Sokan) of the Government General of Korea, or President, Vice-President, Advisor or Member of Privy Council

2 Formosa
Any person who has since July 7, 1937, held the position of
Governor General, or
Director General of General Affairs (Somu Chokan) of the Government General of Formosa

3 Kwantung
Any person who has since September 18, 1931, held the position of
Governor of Kwantung, or
Ambassador Extraordinary and Plenipotentiary to Manchukuo, or Director General of Kwantung Board, (Kanto Kyoku Socho)

4 South Seas
Any person who has since July 7, 1937, held the position of
Director General of South Seas Administration

5 Netherlands East Indies
Chief Military Administrator
Superintendent General of the Civil Administration (Minsei Fu Sokan) in the Military Government Areas occupied by the Navy
Most Senior Civilian Administrator General in the Military Government Areas occupied by the Army

6 Malaya
Chief Military Administrator (Gun Sei Kan)
Supreme Military Government Advisor
Mayor of Singapore

7 French Indo-China
Any person who has since December 8, 1941, held *the position of*
Ambassador Extraordinary and Plenipotentiary to French Indo-China, or
Acting Director General of the General Affairs Bureau in the Government
General of French Indo-China, Manager of the Bank of Indo-China

8 Burma
Supreme Advisor to the Military Government in Burma, Supreme Advisor to the Burmese Government, Chief Departmental Advisor to the Burmese Government who was of the Japanese

Civil Service Rank of Chokunin or of an equivalent position.
Ambassador Extraordinary and Plenipotentiary to Burma.

9. China:
Supreme Advisor to the Nanking Government.
Chief Departmental Adviser to the Nanking Government who was of the Japanese Civil Service Rank of Chokunin or of an equivalent position.
Ambassador Extraordinary and Plenipotentiary to China after the establishment of the Nanking Government.

10. Manchukuo:
Director General or Vice-Director General of the General Affairs Board.
Officers of the Central Organization of the Concordia Society.

11. Others:
Supreme or Political Adviser to the Federal Autonomous Government of Mongolia.
Supreme Adviser to the Military Government in the Philippines.
Ambassador Extraordinary and Plenipotentiary to the Philippines.
Chief of the Hikari Agency.
Ambassador Extraordinary and Plenipotentiary to Thailand.

VII. Additional Militarists and Ultra-Nationalists. (G)

1. Any person who has denounced or contributed to the seizure of opponents of the militaristic regime.
2. Any person who has instigated or perpetrated an act of violence against opponents of the militaristic regime.
3. Any person who has played an active and predominant governmental part in the Japanese program of aggression or who by speech, writing or action has shown himself to be an active exponent of militant nationalism and aggression.

Remarks:

Whether a person will fall under Paragraph G titled "Additional Militarists and Ultra-Nationalists" will be determined by inquiring into his past records. However, general criteria for such decision will be as follows:

1. Any person who held between July 7, 1937, and September 2, 1945, one of the following positions will be considered falling under the provisions of Paragraph G of the Memorandum:

a. Minister of State (Kokumu Daijin).
b. Lord Keeper of Privy Seal (Nai Daijin).
c. President of the Privy Council (Sumitsuin Gicho).
d. Chief Secretary of the Cabinet (Naikaku Shokikancho).
e. Director-General of the Board of Legislation (Hosei Kyoku Chokan).
f. President of the Board of Information (Joho Kyoku Sosai).
g. President of the Board of Planning (Kikakuin Sosai).
h. President, Vice-President of the Asia Development Board (Koain Sosai and Fuku Sosai).
i. President of the Board of Manchurian Affairs (Taiman Jimu Kyoku Sosai) (including those who held the position prior to July 1937).
j. Public Prosecutor General (Kenji Socho).
k. Extraordinary and Plenipotentiary Ambassador to Germany or Italy.

2. Any person who held between July 7, 1937, and September 2, 1945, one of the following positions and about whom there has been conspicuous evidence as a person falling under the provisions of Paragraph G.

A. Governmental offices:
a. Cabinet Councillor (Naikaku Sangi).
b. Cabinet Adviser (Naikaku Komon).
c. Vice-President of the Privy Council.
d. Board of Information-Vice-President and Director of a Division.
e. Board of Planning-Vice-President and Director of a Division.
f. Asia Development Board-Director-General of General Affairs, Director of a Division, Director-General of a Liaison Office.
g. Board of Manchurian Affairs-Vice-President.
h. Any Ministry-Vice-Minister, Parliamentary Vice-Minister, Parliamentary Councillor, Director-General of a General Board or Director of a Bureau.
i. Governor-General of a Local Government-Bureau (Chiho Sokan), Superintendent-General of the Metropolitan Police Board, Director-General of Local Military Procurement Supervision Office (Chiho Gunju Kanribu Chokan).

B. Others:
a. President or Vice-President of the Bank of Japan.
b. Manager of a branch or agency or representative within the territories occupied by the Japanese armed forces of any of the banks, corporations and other organizations listed below:
Any special bank other than those falling under the provisions of Paragraph E.
Any ordinary bank, trust company, savings bank, insurance company or any other financial institution, whose main office is located in Japan proper (excluding those prescribed in paragraph 6 below).
Any special company.
Any Eidan.
Any control association (Tosei Kai).
Any control company (Tosei Kaisha).

Any corporation in which the Government or its agency, a special bank or special company is the largest stockholder

c Japanese advisor, representative or executive personnel of Bank or Indo-China and Franco-Japanese Bank

d Any person who held a position of Advisor to a Foreign Government including its local organs within the territories occupied by the Japanese armed forces other than those persons falling under the provisions of Paragraph F

Note The term "conspicuous evidence as a person falling under the provisions of Paragraph G," as mentioned in Paragraph 2 above, will mean and include, the following

(1) Facts that a person in question played an important part in the conclusion of
Tripartite Alliance,
Sino-Japanese Basic Treaty,
Japanese Thai Alliance Pact,
or in the stationing of Japanese forces in French Indo-China or in starting the Greater East Asia War

(2) Facts that a person in question played an important role in the suppression of opponents of militarism

(3) Facts that a person in question played an important role in concluding economic agreements with, or in extending credits to countries in the sphere occupied by the Japanese armed forces

(4) Facts that a person in question played an important part in the financial or production program for Japanese Military activities

3 Any person who has once been an official engaged in thought prosecution, protection and surveillance, preventive detention or penal administration, and who is to fall under the provisions of Paragraph G of Appendix "A" to the Memorandum because of the part which he played in any important "thought" case while in office, any fact of trampling upon individual rights, his term of office, and his position while in office, etc.

4 Any person who has once been in special higher police service, and who is to fall under the provisions of Paragraph G because of the part he played in any important case of arrest, his term of office and his position while in office, etc

Detailed definition of the two paragraphs above is as follows·

a Any person who during service with the Special Higher Police or Thought Prosecution played an important role in the disposals of major criminal cases as listed in the Note below

b Any person who during the tenure of office with the Judiciary or Police Service has committed cruel or oppressive acts against any individual

c Special Higher Police.
Any person who has a service record of over 4 years since March 1941 or over 8 years with the Special Higher Police, and who occupied the position of Police Inspector or above during such period

d "Thought' Prosecution
Any person who has a service record of over 4 years since March 1941 or over 8 years with the "Thought" prosecution, and who occupied the position of Public Procurator or above during such period

e Protection and Surveillance
Any person who has a service record of over 4 years since March 1941 or over 8 years as the Chief of a Protection and Surveillance Station or as a Guidance Officer thereof

f Preventive Detention
Any person who has a record of over 4 years since May 1941 as the Chief of a Preventive Detention Station or as a Guidance Officer thereof

Note List of Major "Thought Criminal" cases

1 The Rono Group Case (The Labour-Farmer Group Case), January 1937

2 [illegible]

3

4 The Professor's Group Case, February 1938

5 The Nippon Kyosan Shugisha Dan Case, (The Japan Communist Group Case), 1938

6 The Kokusai Kyosanto Case (The International Communist Party Case), September 1941

7 Todai-sha Case (The Lighthouse Case), June 1941.

8 Nippon Seikyo Kai Case (The Japan Sacred Church Case), June 1942

9 The Kiyome Kyokai Case (The Kiyome Church Case), June 1942

10 The Toyo Senkyokai Kiyome Kyokai Case (The Eastern Senkyokai Kiyome" Church Case), June 1942

11 The Dai-shichi-hi Kirisuto Sairin Dan Case (The 7th Day Adventist Church Case), September 1943

12. Any other similar cases

5 Any person who has been in any of the following positions or professions and who has been positive in activities such as mentioned in Paragraph G.

a Government official (other than those who fall under Paragraphs 1 to 4)

(1) Any person who during all these past years of war—namely from July 7, 1937, to September 3, 1945—took part in the planning or execution of important war-time poli-

cies of the Government pertaining to the following matters (except those whose *tenure of office was especially short);*

a. Propaganda or dissemination of news for the purpose of instigating war, suppressing opponents of jingoism or advocating dictatorship, totalitarianism of the Nazi or Fascist pattern, militarism or ultranationalism.

b. Guidance or control of thought or speech for the same purpose.

Note: Detailed interpretation of subpars. a. and b. above shall be as follows:

Persons who conducted control and censor of press, thought or public information who held any of the following positions between 7 July 1937 and 2 September 1945. However those who can produce satisfactory evidence to the contrary shall be exempted.

(a) The Board of Information (Joho-Kyoku):
Vice-President (Jicho).
Directors of Divisions (Bucho).
Influential Section Chiefs in charge of control and censorship of press, news, magazines and other publications, radio, film, play and other dissemination of information.

(b) The Home Departments (Naimu-Sho):
Vice-Minister (Jikan).
Director of Police Affairs Bureau (Keiho-Kyokucho).
Chief of Publications Section (Tosho Kacho).
Chief of Censorship Section (Kenetsu-Kacho).

(c) The Metropolitan Police Board (Keishi-Cho):
Inspector-General (Keishi-Sokan).
Director of Special Police Division (Tokko-Bucho).
Chief of Censorship Section (Kenetsu-Kacho).

(d) The Education Department (Monbu-Sho):
Vice-Minister (Jikan).
Director of Thoughts Bureau (Shiso-Kyokucho).
Director of Moral Education Bureau (Kyogaku Kyokucho or Kyogaku-Kyokucho-kan).
Director of Text Books Bureau (Tosho-Kyokucho).
Influential Division Chiefs (Bucho) and Section Chiefs (Kacho) under the Thoughts, the Moral Education and Text Books Bureaus.

(e) The Communication Department (Teishin-Sho):
Vice-Minister (Jikan).
Director of Electric Affairs Bureau (Denmu-Kyokucho).
Chief of Radio Section (Musen-Kacho) in Electric Affairs Bureau (Denmu Kyoku).

(f) The Department of Justice (Shiho-Sho):
Vice-Minister (Jikan).
Director of Criminal Affairs Bureau (Keiji-Kyokucho).
Chief of Thought Section (Shiso Kacho).

(g) The Planning Board (Kikaku-In):
Vice-President (Jicho).
Influential officials who were in charge of making a draft of the General Mobilization Law in connection with thought, speech and publication affairs.

c. Political direction or economic exploitation of Japanese occupied territories.

d. Important plans for war-time general mobilization or economic control.

e. Matters enumerated in the Note at the end of par. 2 above. ("Conspicuous evidence as a person falling under the provisions of Paragraph G").

f. Other plans for the direction of the war.

(2) Any person who actively engaged by writing, speech or action in instigating war, suppressing opponents of jingoism, or advocating dictatorship, totalitarianism of the Nazi or Fascist pattern, militarism or ultranationalism regardless of whether or not it was his official obligation to do so.

b. Member of the House of Peers or of House of Representatives. Any person who in or outside the Diet was conspicuously active by writing, speech or action for the following purposes: Instigation or direction of War, Suppression of opponents of jingoism, or Inspiring of dictatorship, totalitarianism of the Nazi or Fascist pattern, militarism or ultra-nationalism.

c. Man of letters or artist. Any person who in the capacity as scholar, journalist, member of a newspaper editorial staff, reviewer or writer for magazines or other publications, or in any other similar capacity, comes under one of the following categories because of his writing, lecture, speech, articles, news report, etc.

(1) Person who advocated aggression of militant nationalism, or actively contributed to such propaganda, or who through his political or philosophic doctrine laid down an ideological basis for the policies for the Greater East Asia, or New Order in the East Asia or policies of similar nature, or the Manchurian Incident, China Incident or the Pacific War.

(2) Person who advocated dictatorship or totalitarianism of the Nazi or Fascist pattern

(3) Person who advocated the supremacy of the Japanese nation to be a leader of other nations or who cooperated actively with propaganda to the above effect.

(4) Person who persecuted or denounced liberals or anti-militarists for their liberal or anti-militaristic ideologies

(5) Person who in any other way advocated or championed militarism or ultra-nationalism

d Official or personnel of newspaper companies, magazine or other publishing companies, broadcasting corporations, companies producing motion pictures or theatrical presentations or any other media of public information or organization which sponsored or controlled the dissemination of information through the above media

(1) Persons who occupied any of the following positions in newspaper companies, magazine or other publishing companies, broadcasting corporation, companies producing motion pictures or theatrical presentations and other media of public information which, between 7 July 1937, and 7 December 1941, in and outside of Japan, engaged actively in activities as mentioned in subpar c above *or* as prescribed in par 1, Article I, of the Imperial Ordinance No 101 of 1946, and exercised wide influence which are specified in Pars 1 to 4 of the Appended List "List of organizations of public information to be defined as falling under Category 'G under the provisions of the Imperial Ordinance No 1 of 1947" attached hereto However, companies or organizations and persons that can produce satisfactory evidence to the contrary shall be exempted

(a) Newspaper Companies and News Agencies
- Chairman (Kaicho), Vice-Chairman (Fuku Kaicho)
- President (Shacho), Vice-President (Fuku Shacho)
- Managing Director (Senmu Torishimari Yaku or Senmu Riji)
- Standing Director (Jyomu Torishimari yaku or Jyomu Riji)
- Director (Torishimariyaku or Riji), who held concurrently any other important post of the company,
- Chief of Compilation Bureau (Henshu Kyokucho)
- Editor-in-chief (Shuhitsu or Shukan)
- Chief of Research Bureau (Chosa Kyokucho)
- Managing Editor (Henshu Kyoku Jicho) (in case where there were not less than two managing editors, who were not full time, the most senior)
- Chief of Editorial Staff (Ronsetsu Iincho or Konsetsu Shunin)
- Any other official, regardless of his title, who, in fact, exercised the authority commensurate with that of any of the positions listed above or was influential in the making of company policy

(b) Book and Magazine publishers
- Chairman (Kaicho), Vice-Chairman (Fuku Kaicho)
- President (Shacho), Vice-President (Fuku Shacho)
- Managing Director (Senmu Torishimariyaku or Senmu Riji)
- Standing Director (Jyomu Torishimariyaku or Jomu Riji)
- Director (Torishimariyaku or Riji) who held concurrently any other important post of company
- Editor-in-chief (Henshu Kyokucho, Henshu Bucho or Shukan)
- Magazine Editor (Zasshi Henshu-cho or Zasshi Henshu Sekininsha)
- Any other official, regardless of his title, who, in fact, exercised the authority commensurate with that of any of the positions listed above or was influential in the making of company policy

(c) Companies producing motion pictures or theatrical presentations
- Chairman (Kaicho), Vice-Chairman (Fuku Kaicho)
- President (Shacho), Vice-President (Fuku Shacho)
- Managing Director (Senmu Torishimariyaku or Senmu Riji)
- Standing Director (Jyomu Torishimariyaku or Jyomu Riji)
- Director (Torishimariyaku or Riji) who held concurrently any other important post of company
- Film Production Manager (Seisaku Kyokucho)
- Theatrical Production Manager (Geino Kyokucho)
- Studio Chief (Satsuei Shocho)
- Any other official, regardless of his title, who, in fact, exercised the authority commensurate with that of any of the positions listed above or was influential in the making of company policy.

(d) Broadcasting Corporations:
President (Sosai), Vice-President (Fuku Sosai).
Chairman (Kaicho), Vice-Chairman (Fuku Kaicho).
Managing Director (Senmu Torishimariyaku or Senmu Riji).
Standing Director (Jomu Torishimariyaku or Jomu Riji).
Director (Torishimariyaku or Riji) who held concurrently any other important post of the corporation.
Director of the General Affairs Department (Somukyokucho).
Director of the Business Department (Gyomukyokucho).
Vice-Director of the Business Department (Gyomukyoku Jicho), (in case where there were not less than two Vice-Directors of the Business Department, who were not full time, the most senior).
Any other official, regardless of his title, who, in fact, exercised the authority commensurate with that of any of the positions listed above or was influential in the making of company policy.

Appended List:

(1) Newspaper companies and News agencies:

1. The Aikoku Shimbun Sha (Patriotic Newspaper Co.).
2. The Akita Sakigake Shimpo Sha (Akita Sakigake Newspaper Co.).
3. The Asahikawa Shimbun Sha (Asahikawa Newspaper Co.).
4. The Asahi Shimbun Sha (Asahi Newspaper Co.).
5. The Bushu Shimpo Sha (Bushu Newspaper Co.).
6. The Chugai Shogyo Shimpo Sha (Chugai Commercial Newspaper Co.).
7. The Cho Shimbun Sha (The Nippon Sang yo Hokoku Shimbun) (Cho Newspaper Co., Japan Industrial Patriotic Newspaper Co.).
8. The Chugoku Shimbun Sha (Chugoku Newspaper Co.).
9. The Daimin Sha (Great Nation Co.).
10. The Dainippon Shimbun Sha (Great Japan Newspaper Co.).
11. The Domei Tsushin Sha (Domei News Agency Co.).
12. The Doyo Shimbun Sha (Doyo Newspaper Co.).
13. The Fukui Shimbun Sha (Fukui Newspaper Co.).
14. The Fukuoka Nichinichi Shimbun Sha (Fukuoka Daily Newspaper Co.).
15. The Fukushima Mimpo Sha (Fukushima Mimpo Co.).
16. The Gifu Nichinichi Shimbun Sha (Gifu Daily Newspaper Co.).
17. The Gifu Shimbun Sha (Gifu Newspaper Co.).
18. The Godo Shimbun Sha (United Newspaper Co.).
19. The Hakodate Nichinichi Shimbun Sha (Hakodate Daily Newspaper Co.).
20. The Hakodate Shimbun Sha (Hakodate Daily Newspaper Co.).
21. The Hochi Shimbun Sha (Hochi Newspaper Co.).
22. The Hokkai Times Sha (Hokkai Times Co.).
23. The Hokkoku Shimbun Sha (Hokkoku Newspaper Co.).
24. The Hokuetsu Shimpo Sha (Hokuetsu Newspaper Co.).
25. The Hokuriku Mainichi Shimbun Sha (Hokuriku Daily Newspaper Co.).
26. The Hyuga Nichinichi Shimbun Sha (Hyuga Daily Newspaper Co.).
27. The Ibaragi Sha (Ibaragi Co.).
28. The Ise Shimbun Sha (Ise Newspaper Co.).
29. The Iyo Shimpo Sha (Iyo Newspaper Co.).
30. The Kagoshima Asahi Shimbun Sha (Kagoshima Asahi Newspaper Co.).
31. The Kagoshima Shimbun Sha (Kagoshima Newspaper Co.).
32. The Kahoku Shimpo Sha (Kahoku Newspaper Co.).
33. The Kainan Shimbun Sha (Kainan Newspaper Co.).
34. The Kammon Nichinichi Shimbun Sha (Kammon Daily Newspaper Co.).
35. The Kansai Nippo Sha (Kansai Newspaper Co.).
36. The Karafuto Nichinichi Shimbun Sha (Karafuto Daily Newspaper Co.).
37. The Keijo Nippo Sha (Keijo Newspaper Co.).
38. The Kita-Nippon Shimbun Sha (North Japan Newspaper Co.).
39. The Kobe Shimbun Sha (Kobe Newspaper Co.).
40. The Kobe Yushin Nippo Sha (Kobe Yushin Daily Co.).
41. The Kochi Shimbun Sha (Kochi Newspaper Co.).
42. The Kodo Nippo Sha (Imperial Way Daily Co.).
43. The Kokumin Shimbun Sha (National Newspaper Co.).
44. The Kure Nichinichi Shimbun Sha (Kure Daily Newspaper Co.).
45. The Kyoto Hinode Shimbun Sha (Kyoto Sunrise Newspaper Co.).
46. The Kyoto Nichinichi Shimbun Sha (Kyoto Daily Newspaper Co.).
47. The Kyushu Nichinichi Shimbun Sha (Kyushu Daily Newspaper Co.).
48. The Kyushu Nippo Sha (Kyushu Newspaper Co.).
49. The Kyushu Shimbun Sha (Kyushu Newspaper Co.).
50. The Manshu-koku Tsushin Sha (Manchukuo News Agency Co.).

51. The Manshu Nichinichi Shimbun Sha (Manchuria Daily Newspaper Co)
52 The Manshu Shimbun Sha (Manchuria Newspaper Co)
53 The Miyako Shimbun Sha (Miyako Newspaper Co)
54 The Mokyo Shimbun Sha (Mongolian Newspaper Co)
55 The Muroran Mainichi Shimbun Sha (Muroran Daily Newspaper Co)
56 The Muroran Nippo Sha (Muroran Newspaper Co)
57. The Nagasaki Minyu Shimbun Sha (Nagasaki Minyu Newspaper Co)
58 The Nagasaki Nichinichi Shimbun Sha (Nagasaki Daily Newspaper Co)
59 The Nagoya Mainichi Shimbun Sha (Nagoya Daily Newspaper Co).
60 The Nagoya Shimbun Sha (Nagoya Newspaper Co)
61 The Niigataken Chuo Shimbun Sha (Niigata Central Newspaper Co)
62 The Niigata Mainichi Shimbun Sha (Niigata Daily Newspaper Co)
63 The Niigata Nichinichi Shimbun Sha (Niigata Daily Newspaper Co)
64 The Niigata Shimbun Sha (Niigata Newspaper Co)
65 The Nikkan Kogyo Shimbun Sha (Daily Industrial Newspaper Co)
66 The Nipponkai Shimbun Sha (Japan Sea Newspaper Co)
67 The Nippon Sangyogun Shimbun Sha (Japan Industrial Army Newspaper Co.)
68. The Nippon Shimbun Sha (Japan Newspaper Co)
69. The Niroku Shimpo Sha (Niroku Newspaper Co)
70 The Oita Shimbun Sha (Oita Newspaper Co)
71 The Osaka Choho Sha (Osaka Morning Press Co)
72. The Osaka Jiji Shimpo Sha (Osaka Chronicle Co)
73 The Osaka Keizai Shimbun Sha (Osaka Economic Newspaper Co)
74 The Osaka Konnichi Shimbun Sha (Osaka Today Newspaper Co)
75 The Osaka Mainichi Shimbun Sha (Osaka Daily Newspaper Co)
76 The Osaka Nichinichi Shimbun Sha (Osaka Daily Newspaper Co)
77 The Otaru Shimbun Sha (Otaru Newspaper Co)
78 The Saga Shimbun Sha (Saga Newspaper Co)
79 The Shimotsuke Shimbun Sha (Shimotsuke Newspaper Co).
80 The Shinaichi Shimbun Sha (New Aichi Newspaper Co)
81 The Shimano Mainichi Shimbun Sha (Shinaon Daily Newspaper Co).
82 The Shin Iwate Sha (New Iwate Co)
83 The Shizuoka Shimpo Sha (Shizuoka Newspaper Co)
84 The Shoyo Shimpo Sha (Shoyo Newspaper Co)
85 The Tairiku Shimpo Sha (Continent Newspaper Co).
86 The Taisho Nichinichi Shimbun Sha (Taisho Daily Newspaper Co)
87 The Taiwan Nichinichi Shimpo Sha (Taiwan Daily Newspaper Co)
88 The Teikoku Shimpo Sha (Imperial Newspaper Co)
89 The Teito Nichinichi Shimbun Sha (Metropolitan Daily Newspaper Co)
90 The Toa Nichinichi Shimbun Sha (East Asia Daily Newspaper Co)
91 The Toa Shimpo Sha (East Asia Newspaper Co)
92 The Tokushima Mainichi Shimbun Sha (Tokushima Daily Newspaper Co)
93 The Tokushima Nichinichi Shimbun Sha (Tokushima Daily Newspaper Co)
94 The Tokyo Maiyu Shimbun Sha (Tokyo Evening Newspaper Co)
95 The Too Nippo Sha (Too Newspaper Co)
96 The Toyama Nippo Sha (Toyama Newspaper Co)
97. The Yamagata Shimbun Sha (Yamagata Newspaper Co)
98 The Yamanashi Nichinichi Shimbun Sha (Yamanashi Daily Newspaper Co)
99 The Yamato Shimbun Sha (Yamato Newspaper Co)
100 The Yomiuri Shimbun Sha (Yomiuri Newspaper Co)
101 The Yukan Osaka Shimbun Sha (Evening Osaka Newspaper)
102 The Yukan Teikoku Shimbun Sha (Evening Imperial Newspaper Co)
103. Tenri-Jiho-Sha (Natural Law Press Co)

(2) Book and Magazine Publishers:

1 The Aikoku Doshi Kai (Patriotic Comrades Association)
2 The Aikoku Hyoron Sha (Patriotic Review [illegible]
3 [illegible]
4 [illegible]
5 [illegible]
6 [illegible]
7. The Bungei Shunju Sha (Bungei Shunju Publishing Co).
8 The Chikura Shobo (Chikura Publishing Co).

9. The Chiyu Nippon Sha (Chiyu Nippon Association).
10. The Chobun Kaku (Cobun Kaku Publishing Co.).
11. The Chosen Kinyu Kumiai Rengo Kai (Korean Financial Unions' Association).
12. The Chosen Koron Sha (Korean Review Co.).
13. The Chosen Kyoikukai (Korean Education Association).
14. The Chosen Oyobi Manshu Sha (Korea and Manchuria Publishing Co.).
15. The Chuo Koron Sha (Chuo Koron Publishing Co.).
16. The Dai Ajia Kensetsu Sha (Greater Asia Construction Association).
17. The Dai Ajia Kyokai (Great Asia Association).
18. The Daido Juky (Kyoto) (Daido School).
19. The Daiichi Koron Sha (Daiichi Koron Publishing Co.).
20. The Daiichi Shobo (Daiichi Publishing Co.).
21. The Daiichi Shuppan Kyokai (Daiichi Publishing Association).
22. The Daiichi Shuppan Sha (Daiichi Publication Co.).
23. The Daimonji Shoin (Taiheiyo Shokan) (Daimonji Publishing Co.) (Pacific Ocean Publishing Co.).
24. The Dainichi Sha (Dainichi Publishing Co.).
25. The Dai Nippon Doshi Kai (Greater Japan Co-Patriots' Association).
26. The Dai Nippon Gokoku Seinen Kai (Greater Japan Patriotic Youths' Association).
27. The Dai Nippon Isshin Kai (Greater Japan Reformation Association).
28. The Dai Nippon Keibo Kyokai (Greater Japan Defence Association).
29. The Dai Nippon Kinki Kai (Greater Japan Imperial Banner Association).
30. The Dai Nippon Kinno Kai (Greater Japan Loyalists Association).
31. The Dai Nippon Koa Domei (Greater Japan Asia-Construction League).
32. The Dai Nippon Seinendan Hombu (Greater Japan Youngmen's Association Headquarters).
33. The Dai Nippon Sekisei Kai (Greater Japan Patriotic Association).
34. The Dai Nippon Yubenkai Kodan Sha (Greater Japan Yubenka Kodan Publishing Co.).
35. The Dai Toa Kyokai (Greater East Asia Association).
36. The Daito Juku (Greater East School).
37. The Daito Shuppan Sha (Daito Publishing Co.).
38. The Daiyamondo Sha (Diamond Publishing Co.).
39. The Dobun Shoin (Dobun Shoin Publishing Co.).
40. The Doitsu Jijo Sha (German Information Publishing Co.).
41. The Fujokai Sha (Fujokai Publishing Co.).
42. The Gaijo Jiho Sha (Diplomatic News Publishing Co.).
43. The Gakuen Sha (Gakuen Publishing Co.).
44. The Gakuto Shisei Kai (Students Patriotic Association).
45. The Gansho Do. (Gansho Do Publishing Co.).
46. The Gendai Sha (Gendai Publishing Co.).
47. The Genri Nippon Sha (Genri Nippon Publishing Co.).
48. The Gunjin Engo Kai (Society of Relief and Help for Soldiers).
49. The Gunkei Kai (Military Policemen's Association).
50. The Hakubun Kan (Hakubun Kan Publishing Co.).
51. The Heibon Sha (Heibon Publishing Co.).
52. The Hibon Kaku (Hibon Kaku Publishing Co.).
53. The Higashi Ajia Sha (East Asia Publishing Co.).
54. The Hinomaru Sha (Sun-Flag Publishing Co.).
55. The Hyogoken Kokubo Kyokai Banshu Kokubo Kenkyukai Hombu (Hyogo-ken National Defence Association Banshu National Defence Research Headquarters).
56. The Ikusei Sha (Ikusei Publishing Co.).
57. The Ishin Kai (Ishin Association).
58. The Ishin Koron Sha (Ishin Koron Publishing Co.).
59. The Ishin Undo Sha (Reformation Campaign Association).
60. The Isshin Juku (Reformation School).
61. The Jiei Sha (Sanroku Sha)(Self-Defence Society or Three-Six Association).
62. The Jinsei Sha (Jinsei Publishing Co.).
63. The Jitsugyo No Nippon Sha (Jitsugyo no Nippon Publishing Co.).
64. The Jitsugyo no Sekai Sha (Jitsugyo no Sekai Publishing Co.).
65. The Joho Kyoku (Board of Information).
66. The Kagakushugi Kogyo Sha (Kagaku Sha) (Scientific Industry Publishing Co., Science Publishing Co.).
67. The Kaibo Gikai (Coast Guard Association).
68. The Kaibo Jidai Sha (Critic of the Era Association).
69. The Kaigunsho Gunji Fukyu Bu (Navy Ministry Propagation Board).
70. The Kaiko Kai (Kaiko Association).
71. The Kaiten Jiho Sha (Reformation News Association).
72. The Kaizo Sha (Kaizo Publishing Co.).
73. The Kakushin Domei (Kobe) (Reformation League (Kobe)).
74. The Kakumei So (Reformation School).
75. The Kasumigaseki Shobo (Kasumigaseki Publishing Co.).
76. The Keibun Sha (Keibun Publishing Co.).

77 The Keinei Sha (Keinei Association)
78 The Keio Shobo (Keio Publishing Co)
79 The Keisetsu Kyokai (Policemen's Association)
80 The Keizai Chishiki Sha (Economic Knowledge Publishing Co)
81 The Keizai Joho Sha (Economic Information Publishing Co)
82 The Kenkoku Kai (National Foundation Association)
83 The Kinno Makoto Musubi (Loyal Sincerity League)
84 The Kinno Resshi Kensho Rengokai (Association of Societies for Exalting Loyalists)
85 The Kinsei Sha (Kinsei Publishing Co)
86 The Kinkei Gakuen (Kinkei School)
87 The Koa Seinen Undo Sha (Asia Construction Youths' Movement Association)
88 The Kobun Sha (Kobun Publishing Co)
89 The Kodo Fuyoku Undo Sha (Imperial Way Assistance Movement Association)
90 The Kodo Juku (Imperial Way School)
91 The Kodo Nippon Kyokai (Imperial Way Japan Association)
92 The Kodo Sha (Imperial Way Association)
93 The Kodo Yokusan Seinen Renmei (Imperial Way Assistance Youths' League)
94 The Kogun Hakkojo ("Imperial Army" Publishing Co)
95 The Kobon Seikoka Sha (Kobon Seikoku Association)
96 The Kokon Shoin (Kokon Publishing Co)
97 The Kokoku Doshi Kai (National Construction Co-Patriots Association)
98 The Kokon Sha (Imperial Spirit Association)
99 The Kokumin Boku Shuppan Kyokai (Peoples Air-Defence Publishing Association)
100 The Kokumin Hyoron Sha (Kokumin Hyoron Publishing Co)
101 The Kokumin Keizai Kenkyo Jo (National Economic Research Institute)
102 The Kokumin Kyoiku Tosho Kabushiki Kaisha (National Educational Books Co , Ltd)
103 The Kokumin Seiji Keizai Kenkyujo (National Political and Economic Research Institute)
104 The Kokumin Seishin Bunka Kenkyujo (Na- [illegible]
105 [illegible]
106 [illegible]
Research Institute)
107 The Kokusai Hankyo Renmei (International Anti-Communist League)
108 The Kokusai Seikei Gakukai (International Political and Economic Institute)
109 The Kokusaku Kenkyu Sha (National Policy *Research Association)*
110 The Kokusui Domei (National Spirit Preservation League)
111 The Komin Jissen Kyogikai (Imperial Subjects) (Practice Conference Association)
112 T[illegible]
113 T[illegible]
mondai Publishing Co)
114 The Kosei Kai (Kosei Association)
115 The Koyo Shoin (Koyo Publishing Co)
116 The Kyokoku Sha (All Nation Association)
117 The Kyozai Sha (Kyozai Publishing Co)
118 The Manshu Iju Kyokai (Manchuria Emmigrant Association)
119 The Meguro Shoten (Meguro Publishing Co)
120 The Meiji Tosho Kabushiki Kaisha (Meiji Book Publishing Co , Ltd)
121 The Meirin Kai Rengokai (League of Meirin Association)
122 The Meiro Kai (Meiro Association)
123 The Meitoku Kai (Meitoku Association)
124 *The Mikasa Shobo (Mikasa Publishing Co)*
125 The Mito Shunju Kai (Mito Shunju Association)
126 The Modan Nippon Sha (The Shin Taiyo Sha) (Modern Japan Publishing Co) (New Sun Publishing Co)
127 The Monasu (Monasu Publishing Co)
128 The Morita Shobo (Morita Publishing Co)
129 The Nagano Yuko Kai (Nagano Yuko Association)
130 The Nagoya Shichisei Kurabu (Nagoya Shichisei Club)
131 The Nancho Jiku (Nancho School)
132 The Nanshin Sha (Advance to South Publishing Co)
133 The Nichi-Doku Bunka Kyokai (Japan-German Cultural Association)
134 The Nichi-Doku Shuppan Kyokai (Japan-German Publication Association)
135 The Nichi-Doku Junkan Sha (Japan-German Ten Days Periodical Co)
136 The Nippon Dempo Tsushin Sha (Nippon Dempo News Agency)
137 The Nippon Hyoron Sha (Nippon Hyoron Publishing Co)
138 The Nippon Kakushin To (Japan Reformation Party)
139 The Nippon Keizai Gakumei (Japan Economic School)
140 The Nippon Kokusai Kyokai (Japan International Association)
141 The Nippon Koron Sha (Japan Public Review Co)
142 The Nippon Kyokai (Japan Association)

[illegible]

[illegible] The [illegible] Kan ([illegible] Kan Publishing Co.)
[illegible] The [illegible] Sha (Showa Publishing Co.)
[illegible] The [illegible] Sha ([illegible] Publishing Co.)
[illegible] The [illegible] Sha ([illegible] Publishing Co.)
[illegible] The [illegible] Sha ([illegible] Publishing Co.)
[illegible] The [illegible] Sha ([illegible] Publishing Co.)
[illegible] The [illegible] Kyokai ([illegible] Publishing Co.)
[illegible] [illegible] Kai ([illegible] Association)
[illegible] The [illegible] Kai [illegible] (Imperial Rule Assistance Association [illegible] Division)
[illegible] The Takayama [illegible] (Takayama Publishing [illegible])
[illegible] The [illegible] Kyokai (Imperial [illegible] Association)
[illegible] The [illegible] Kai (Imperial [illegible] League)
[illegible] The [illegible] Kyokai (Communications Association)
[illegible] The [illegible] Shimbun Sha Shuppanbu [illegible] (Daily Newspaper Publishing [illegible])
[illegible] The [illegible] Sha ([illegible] Co.)
[illegible] The [illegible] Kai ([illegible])
[illegible] The [illegible] Sha ([illegible] Publishing Co.)
[illegible] The [illegible] Sha ([illegible])
[illegible] The [illegible] Kai (East Asia Co-Culture Association)
[illegible] The [illegible] Kai (East Asia Association)
[illegible] The [illegible] Kai (East Asia League Association)
[illegible] The [illegible] Kai (Eastern Co-[illegible] Association)
[illegible] The [illegible] Sha (Tokai Publishing Co.)
[illegible] The [illegible] (Toko Publishing Co.)
[illegible] The Tokyo [illegible] Shimbun Sha Shuppanbu (Tokyo [illegible] Newspaper Co. Publishing Section)
[illegible] The [illegible] Sha (East Continent Publishing Co.)
[illegible] The [illegible] Keizai Shimpo Sha (Oriental Economy Newspaper Co.)
[illegible] The Toko Kyokai (Oriental Association)
[illegible] The Umeto-Sora Sha (Umeto-Sora Publishing Co.)
[illegible] The Yamatomusubi (Yamatomusubi Association)
[illegible] The Yosuko Sha (Yangtse Publishing Co.).
[illegible] Dai Nippon Kokusui-kai Sohombu (General Headquarters of National Virtues Association of Greater Japan)
[illegible] Dai Nippon Seinen Doshi-kai (Young Men Kindred Spirit Association of Greater Japan).

209. Kwanto Kokusui-kai (Kwanto National Virtues Association).
210. Koa Nihon-sha (Asia Development Japan Company).
211. Kodo Jichi-kai (Imperial Morality Self Government Assn.).
212. [illegible]
213. [illegible]
214. [illegible]
215. [illegible] 'era-tion of Japanism).
216. Yosei Jihyo-sha (Current Justice Guardian Co) (30).
217. Seikai Orai-sha (Political World Traffic Co).
218. Seinen Ajia Renmei (Young Men Asia Federation).
219. Shiso-sen-sha (Thought War Co.).
220. Tei-yu Rinri Kai (Teiyu Morality Association)
221 Toa Kensetsu Doshi-kai (Asia Construction Kindred Spirit Association) (29).

(3) Companies producing motion pictures or theatrical presentation.

1. The Asahi Eiga Seisaku Kabushiki Kaisha (Asahi Film Production Co., Ltd.).
2. The Chuka Denei Kofun Yugen Koshi (China Film Co , Ltd)
3 The Daito Eiga Kabushiki Kaisha (Daito Film Co., Ltd)
4 The Kahoku Denei Kofun Yugen Koshi (North China Film Co , Ltd.).
5 The Kokko Eiga Kabushiki Kaisha (Kokko Film Co., Ltd.)
6 The Manshu Eiga Kyokai (Manchuria Film Association)
7. [illegible]
8 [illegible] ki Kaisha [illegible]
9. [illegible] (Shinko Cinema Co , Ltd)
10. The Shochiku Kabushiki Kaisha (Shochiku Co , Ltd)
11. The Toho Eiga Kabushiki Kaisha (Toho Film Co , Ltd)
12. The Tokyo Takarazuka Gekijo (Tokyo Takarazuka Theatre)

(4) Broadcasting Companies

1. The Chosen Hoso Kyokai (Korean Broadcasting Assn.).
2. The Chugoku Hoso Kyokai (China Broadcasting Assn).
3. The Kahoku Kohan Kyokai (North China Broadcasting Assn.).
4. The Manshu Denshin-denwa Kabushiki Kaisha Hoso Sokyoku (Manchurian Telephone and Telegram Co., Ltd Broadcasting Bureau)
5. The Nippon Hoso Kyokai (Japan Broadcasting Assn.)
6. The Taiwan Hoso Kyokai (Formosa Broadcasting Assn).

(ii) Persons who occupied any of the following positions in organization which, between 7 July 1937 and 2 September 1945 in and outside Japan, sponsored or controlled the dissemination of information which are specified in par 5 of the "Appended List." However organizations or persons that can produce satisfactory evidence to the contrary shall be exempted

President (Sosai), Vice-President (Fuku-Sosai),
Chairman (Kaicho), Vice-Chairman (Fuku-Kaicho),
Chairman of Board of Directors (Riji Cho), Managing Director (Senmu-Riji)
Director (Riji) who held concurrently any other important post of the organization,
Influential officials in the censorship of manuscripts over 2 years
Any other official, regardless of his title, who, in fact, exercised the authority commensurate with that of any of the positions listed above or was influential in the making of company policy

Appended List

(5) Organizations Controlling the Dissemination of Information

1. The Dainippon Eiga Kyokai (Great Japan Film Association).
2. The Manshu Koho Kyokai (Manchuria Information Association).
3. The Nippon Shimbun Kai (Japan Newspaper Association).
4. The Nippon Shuppan Bunka Kyokai (Japan Publication Culture Association).
5. The Nippon Shuppan Kai (Japan Publication Association).

e. Business man. Any person who during the war was engaged in various enterprises and who falls under one of the following categories:

(1) Representative of any enterprise which was designated as a responsible enterprise by the Army or Navy, and which as such engaged in the economic exploitation or other activities in the occupied areas; or person responsible for such an enterprise on the spot.
(2) Representative of any enterprise which in close cooperation with the Army or Navy was engaged in such flagrant or unwarranted activities as fall within the scope under paragraph G of Appendix "A" to the

Memorandum, or person responsible for such an enterprise on the spot.

6. Any person who held between 7 July 1937, and 2 September 1945, a position of Chairman (Kaicho), Vice-Chairman (Fuku Kaicho), President (Shacho), Vice-President (Fuku Shacho), Managing Director (Semmu Torishimari Yaku), Standing Director (Jomu Torishimari Yaku), Standing Auditor (Jokin Kansa Yaku), Active Adviser (Komon) or Councillor (Sodan Yaku), principal stock holder who owned 10 percent or more of capital stock or who exercised, directly or indirectly, controlling influence on the management of the company or any other official regardless of his title, including branches or offices in any Japanese-occupied territory, Agent or Attorney of the above, who in fact exercised authority or influence commensurate with that of any of the positions listed above, in any of the following companies which are listed separately in paragraph 1B of Appendix B of the Cabinet and Home Affairs Ministry Ordinance No. 1 of 1947:

1. Companies in the [illegible] companies which have engaged [illegible] or strategic or critical materials essential to the [illegible] operations there[illegible]

2. Companies [illegible] which have engaged in production of basic production materials [illegible] or strategic [illegible]

3. Companies [illegible] which have engaged in [illegible] foreign trade.

4. Holding companies (designated or to be designated hereafter by the SCAP Memoranda) and [illegible] companies closely associated with the above.

5. Companies which have the authorized capitalization exceeding one hundred million yen.

6. Any other companies or financial institutions which have commanded excessive economic power.

7. Representatives or highest executive officers of Ultra-Nationalistic, Terroristic or Secret Patriotic Societies other than those specified in the provision of Paragraph C.

8. Any person who was "recommended" in the general election of 1942.

9. Any person who held between 7 July 1937, and 2 September 1945, any one of the following positions:

Chief of Metropolitan, city, ward, town or village federation of branches or chief of city, ward, town or village branch of the Imperial Ex-Servicemen's Association (Zaigo Gunjin Kai).

10. Persons who held the following offices in the Great Japan Military Virtue Association (Dai Nippon Butoku Kai) (to be called Association hereafter) between 22 March 1942, and 2 September 1945, with the exception of those who can give satisfactory proof to the contrary.

(1) Central office: President, Vice-President, Chief of the Board of Directors, Directors and Chiefs of Sections.

(2) Prefectural branch: Chief, Vice-Chief, Chief of the Board of Directors, Directors and Chiefs of Sections.

(3) Local sub-branch (including suboffice (Bun Kai) and others substantially corresponding with sub-branch): Chief (including chief of suboffice and others substantially corresponding with chief of sub-branch, ditto hereafter).

Note: ("Persons who can give satisfactory proof to the contrary") shall be as follows:

I. Proof to the contrary to be recognized in respect of all officers:

Any person or persons who can give proof that he made positive attempts to obstruct the militaristic trend of the association.

II. Other proof to the contrary to be recognized in respect to the following officers:

1. In respect to Directors of central office, any person who can give proof to the contrary under the following paragraphs:

(a) That he did not hold the concurrent post of a Section Chief or any other active position, and,

(b) The number of attendance at the directors conference being such as not to exceed ⅓ of the number of conferences held during the period in which he was a director and, proof of non-participation in other activities of the association, and,

(c) That his personal record was such as to show that he did not identify himself with any quasi-militaristic or quasi-ultra-nationalistic activities.

2. Officers of Prefectural Branches:

(a) In respect to person who was an officer only before September 22, 1942, any of the above persons who can give proof to the contrary under the following paragraphs.

(i) That the actual activities including the various performances of the said branches were similar to those of the said branches prior to the reorganization of the central office and,

(ii) That (consequent on the reorganization of the central office) the preparatory measures for the purpose of the reorganization of the said branches did not become active.

(iii) That his personal record was such as to show that he did not identify himself with any quasi-militaristic or quasi-ultra-nationalistic activities

(b) In respect to officer subsequent to the period as in 2 (a) above, (to include officers even prior to the same date, in cases where the activities of the said branches were in actual fact strengthened or preparatory measures for the purpose of reorganization thereof became active), any person who can give proof to the contrary under the following paragraphs

(i) That he was not authorized any responsible part in the final coordination or general execution of the functions of the branch, such as Chief of Branch or Chief of the Board of Directors, and,

(ii) That he did not take an active part in strengthening the actual activities of the said branches such as various performances etc, and,

(iii) That his personal record was such as to show that he did not identify himself with any quasi-militaristic or quasi-ultra-nationalistic activities

3 Chief of Local Sub-branch

(a) In respect to any person or persons who was Chief of a local sub-branch only before September 22, 1942, any person or persons who can give proof to the contrary under the following paragraphs

(i) That the actual activities of the said local sub-branch including its various performances were similar to those of the said branches prior to reorganization of the central office, and,

(ii) That consequent on the reorganization of the central office no preparatory measures for the purpose of strengthening the actual activities of the said local sub-branch were taken, and,

(iii) That his personal record was such as to show that he did not identify himself with any quasi-militaristic or quasi-ultra-nationalistic activities

(b) In respect to chief of local sub-branch subsequent to date as in 3 (a) above any person who can give proof to the contrary under following paragraphs

(i) That the actual activities of the said local sub-branch including the various performances were similar to that of the said sub-branch prior to the reorganization of the central office, and,

(ii) That the period of service as chief of local sub-branch was one year or less, and,

(iii) That during the period of service as chief of local sub-branch the activities of the said branch were in no way militaristic or ultra-nationalistic, and

(iv) That his personal record was such as to show that he did not identify himself with any quasi-militaristic or quasi-ultra-nationalistic activities.

Note (1) With reference to persons who hold government offices (excluding those positions included within governmental offices, under the provisions of Article II of the Imperial Ordinance No 109 of 1946) prescribed in Article I of the said Ordinance or positions prescribed in Article IV of the said Ordinance who, for holding or assuming such positions, have been cleared under the previous provisions as not falling under the Memorandum, the provisions of Paragraph 6 above will not be applied to them until 3 May 1947, so long as they stay in such position

(2) With reference to persons who hold, at the time of promulgation of this Interpretation, governmental offices prescribed in Article I of the Imperial Ordinance No 109 of 1946, who, for holding or assuming such positions, have been cleared under the previous provisions as not falling under the Memorandum, the provisions of paragraph 9, above, will not be applied, in case of the former positions, until 3 May 1947, so long as they stay in such position

(3) With reference to persons who hold, at the time of promulgation of this Interpretation, positions (excluding the mayors) prescribed in Article IV of the Imperial Ordinance No 109 of 1946, who, for holding or assum-

applied until the next election, so long as they stay in such position

(4) Supplementary Rule to Premier's Office and Home Ministry Order No 3, 30 June 1947

Any person who intends, under the revised provisions of paragraph 5 (d) of the "Remarks" of paragraph 7 of Appendix I to submit evidence to the contrary in connection with organizations specified in the "Appended List" attached thereto, shall present evidence to the contrary to the Prime Minister within thirty days from the day of promulgation of this Order

Any person who has presented his questionnaire to the Prime Minister or to the prefectural governor prior to the promulgation of this Order who comes within the purview of the revised provisions of paragraph 5, a and d of the "Remarks" attached to paragraph 7 of the Appendix I may present evidence to the contrary to the Prime Minister or the prefectural governor within thirty days from the day of promulgation of this Order.

(3) Supplementary Rule to Prime Minister's Office and Home Ministry Ordinance No. 6, 2 August 1947

Persons who, prior to enforcement of this Ordinance, have filed under the provisions of Articles VII and VIII, their questionnaires with the Prime Minister or the prefectoral governor, who consider themselves as falling under the revised provisions of the proviso of Item 13 of the "Remarks" attached to the Appendix I, shall submit within thirty days after the enforcement of this Ordinance, the proof to the contrary to the Prime Minister or the prefectural governor with whom their questionnaires have been filed.

Appendix II

Principal Public Offices prescribed in Article II of the Ordinance	Ordinary public offices prescribed in Article II of the Ordinance
1. *[illegible]*	
Government officials holding the civil service rank of the First Grade or above and those [illegible] with the above rank [illegible] as well as [illegible] Ministers as well as [illegible]	Other government official and those rated as government official as well as persons corresponding to above.
2. *National Diet (M)*	
Diet member, Secretary General, Vice Secretary General, Chief of Division and Standing Committee specialized specialist of the House of Representatives, Secretariat of House of Councillors Secretariat as well as Chief Librarian of the Diet Library (M)	Other Personnel
3. *[illegible]*	
Chairman, Vice Chairman and Committee member	Personnel of the Committee
4. *To, Do, Fu, or Ken (M)*	
Prefectural Governor of To, Do, Fu, Ken (Chiji), assembly member, deputy governor, treasurer and deputy treasurer, electoral administration committee member (Senkyo Kanri Iin), presiding officer of election (Senkyo-Cho), inspector, head of the ballot opening station (Kaihyo Kanri-sha), inspector of the poll, Tokyo Keisatsu [illegible], [illegible] commissioner (Kansa Iin), [illegible] Commissioner (Iin), Speaker and Chief Clerk of the Assembly, Member and Chief Clerk of the Assembly of ward in Tokyo metropolis, and responsible member of staff such as chief of Bureau, department, or [illegible] of To, Do, Fu, or Ken.	Other Personnel
5. *City, town, village or "Town and Village Association" for Whole Districts (Zenbu Jimu) or for the Public Office Business (Yakuba Jimu)*	
Mayor, headman (Shi-Cho-Son Cho), association director (Kumiai Kanrisha), assembly member, deputy mayor, deputy headman (Joyaku), accountant (Shunyu-Yaku), deputy ward headman (Kucho), ward accountant (Ku Shunyu-Yaku), ward deputy accountant (Ku Fuku Shunyu-Yaku), Electoral Administration committee member (Senkyo Kanri Iin), presiding officer of election (Senkyo-Cho), head of the ballot opening station (Kaihyo Bunkai-Cho),	Other personnel

head of the polling station (Tohyo Bunkai Cho), inspection commissioner (Kansa Iin), counsellor (Sanyo), commissioner (Iin), Chief Clerk of the Assembly responsible member of staff of city, town, village or "town and village association" such as chief of bureau, department, section or unit (Kyoku-Bu-Ka Kakari-Cho).

6. *Special Companies, corporations (Eidan), Special banks and other companies in which the Government or organizations mentioned above is the largest stockholder.* (35)

Chairman (Sosai or Rijicho), vice chairman (Fuku-Sosai, or Fuku Riji Cho), president (Shacho *or* Todori), vice-president (*Fuku Shacho or Fuku Todori*), director (Torishimari Yaku *or* Riji), standing auditor (Jonin Kansayaku *or Kanji*) and any other official regardless of his title, who in fact, exercises authority or influence or receives compensation commensurate with that of any of the officials listed above of the following

Auditor other than standing (Kansa Yaku or Kanji), [illegible] *cises authority or influence, or receives compensation commensurate with any of officials listed above of the following,*

(1) Hokkaido Takushoku Ginko (*Hokkaido Colonial Bank*)
(2) Jyutaku Eidan (*Housing Corporation*)
(3) Koeki Eidan (*Trading Corporation*).
(4) Kokumin Kosei Ginko (*National Rehabilitation Bank*)
(5) Nippon Ginko (*Bank of Japan*)
(6) Nippon Hasso Den K.K. (*Japan Electric Supply Co., Ltd.*)
(7) Nippon Hiryo K.K. (*Japan Fertilizer Co., Ltd.*)
(8) Nippon Kangyo Ginko (*Hypothec Bank of Japan*)
(9) Nippon Kogyo Ginko (*Industrial Bank of Japan*)
(10) Nippon Sanshi Tosei K.K. (*Japan Silk Control Co., Ltd.*)
(11) Nippon Sekitan K.K. (*Japan Coal Co., Ltd.*)
(12) Nippon Tsuun K.K. (*Japan Transportation Co., Ltd.*)
(13) Nippon Yushutsu Nosanbutsu K.K. (*Japan Export Agricultural Products Co., Ltd.*)
(14) Nochi Kaihatsu Eidan (*Agricultural Land Development Corporation*)
(15) Norin Chuo Ginko (*Central Bank for Agriculture and Forestry*)
(16) Onkyu Ginko (*Pension Bank*)
(17) Sangyo Setsubi Eidan (*Industrial Equipment Corporation*)
(18) Shoko Kumiai Chuo Ginko (*Central Bank for Commercial and Industrial Association*)
(19) Shokuryo Eidan (*Food Corporation, including those of the prefectural level or above*)
(20) Shomin Ginko (*People's Bank*)
(21) Teikoku Kogyo Kaihatsu K.K. (*Imperial Mining Development Co., Ltd.*)
(22) Teikoku Nenryo Kogyo K.K. (*Imperial Fuel Co., Ltd.*)
(23) Teikoku Sekiyu K.K. (*Imperial Oil Co., Ltd.*)
(24) Toto Kosokudo Kotsu Eidan (*Metropolis High Speed Transportation Corporation*)
(25) Tohoku Kogyo K.K. (*Tohoku Development Co., Ltd.*)
(26) Any companies in which any of the following are the largest stockholders
  a. The Government, its institutions, agencies or branches
  b. Special companies (including Nippon Seitetsu K.K.) or corporations (Eidan)
  c. Special banks.

7. *Companies or other organizations to be designated by the Temporary Supply and Demand Adjustment Law and [illegible] or reorganization of Tosei Kai, Tosei Kaisha or Tosei Kumiai, established after [illegible]*

Chairman (Kai Cho), vice-chairman (Fuku Kaicho), president (Shacho), vice-president (Fuku Shacho), Director (Torishimari Yaku or Riji), standing auditor (Jonin Kansa-Yaku or [illegible]), and any other official, regardless of his title who in fact, exercises [illegible]

Auditor [illegible]

the authority or influence or receives compensation commensurate with any of officials listed above of the following organizations: sation commensurate with any of officials listed above of the following organizations:

8. *Organizations established under the special legislation, organizations subsidized by the Government and other organizations serving for the public benefits corresponding to the above.* (37)

Chairman, vice chairman, president, vice president, director, standing auditor and any other official regardless of his title, who in fact exercises the authority or influence or receives compensation commensurate with any of officials listed above of the following organizations: Auditor, other than standing, advisor, councillor, the highest ranking person of business or accounting department and any other official regardless of his title who, in fact, exercises the authority or influence or receives compensation commensurate with any of officials listed above of the following organizations:

(1) Bahitsu Kumiai (Horse Union).
(2) Bahitsu Rengo Kai (Federation of Horse Union).
(3) Bengoshi Kai (Lawyers Society, including those of national and prefectural level, the term "prefecture" including here and hereafter To, Do, Fu and Ken).
(4) Cement Kogyo Kai (Cement Ind. Society).
(5) Chuo Baji Kai (Central Horse Affairs Society).
(6) Chuo Shakai Jigyo Kai (Central Social Work Society).
(7) Dai Nippon Ikueikai (Great Japan Education Association).
(8) Dai Nippon Iryo Dan (Great Japan Medical Service).
(9) Dai Nippon Keibo Kyokai (Great Japan Guarding Parties Association).
(10) Dai Nippon Taiiku Kai (Great Japan Athletics Society).
(11) Ekitai Nenryo Kyogikai (Liquid Fuel Council).
(12) Engyo Kumiai Chuo Kai (Control Association of Salt Industry Union).
(13) Gomu Kogyo Kai (Rubber Ind. Society).
(14) Gyogyo Kai (Fishing Association).
(15) Ido Eisha Renmei (Travelling Motion Pictures Projection League).
(16) Ishi Kai (Doctor's Association, including those of national and prefectural level).
(17) Jidosha Seizo Kogyo Kumiai (Automobiles Mfg. Ind. Union).
(18) Jiyu Shuppan Kyokai (Liberal Publisher's Association).
(19) Kami Oyobi Pulp Kogyo Rengokai (Paper and Pulp Ind. Federation).
(20) Karinsan Hiryo Seizogyo Kumiai (Super-phosphate Fertilizer Production Union).
(21) Keimu Kyokai (Penitentiary Association).
(22) Keizai Dantai Rengokai (Federation of Economic Organizations).
(23) Mokuzosen Hoken Kumiai (Wooden Ships Insurance Union).
(24) Nippon Denki Kikai Seizokai (Japan Electrical Machinery Mfg. Association).
(25) Nippon Denpun K.K. (Japan Starch Co., Ltd.).
(26) Nippon Eiga Kyoiku Kyokai (Japan Motion Picture Education Association).
(27) Nippon Ocean Drag-Net Marine Product Association.
(28) Nippon Gakujutsu Shinko Kai (Japan Learning and Study Advancement Society).
(29) Nippon Ido Engeki Renmei (Japan Travelling Drama Performance League).
(30) Nippon Guishi Kai (Japan Veterinary Surgeons Society).
(31) Nippon Kaitaku Kyokai (Japan Colonization Association).
(32) Nippon Kogyo Club (Japan Industries Club).
(33) Nippon Jidosha Kaigisha (Japan Automobiles Council).
(34) Nippon Kaiun Kyokai (Japan Navigating Association).
(35) Nippon Keiba Kai (Japan Horse Racing Association).
(36) Nippon Kansho Bareisho K.K. (Japan Sweet Potatoes and Potatoes Co., Ltd.).
(37) Nippon Kosaku Kikai Rengokai (Japan Tool Machine Federation).
(38) Nippon Koun Chuokai (Japan Central Harbour Transportation Society).
(39) Nippon Kyoiku Kai (Japan Education Society).
(40) Nippon Nokigu Kogyokai (Japan Agricultural Instrument Council).
(41) Nippon Sangyo Dantai Kyogikai (Japanese Federation of Industrial Organizations).
(42) Nippon Seirakugyo Kumiai (Japan Dairy Union).
(43) Nippon Seki Jyuji-Sha (Japan Red Cross).

[illegible]

ional, prefectural and local level, the term [illegible]

[illegible]

(64) Seimei Hoken Kyokai (Life Insurance Association)
(65) Sekkai Chisso Hiryo Seizogyo Kumiai (Nitrate of Lime Fertilizer Mfg Industry Union)
(66) Senpaku Uneikai (Shipping Management Association)

[illegible]

city, town and village level)
(71) Shintaku Kyoka (Trust Companies Association)
(72) Shoko Kaigisho (Chamber of Commerce and Industry including those of national, prefectural and local level)
(73) [illegible] Union)

[illegible]

9 *Principal newspaper companies, news agency, publishing companies, motion picture and theater companies, broadcasting corporation and other media of mass communication* (38)

[illegible]

Auditor other than standing, advisor, councillor, the highest ranking person of business or accounting department, departmental chief of compilation bureau (Henshu Kaku Bucho) and any other official, regardless of his title, who in fact exercises the authority or influence or

kucho), editor-in-chief (Shuhitsu), chief of research bureau (Chosa Kyokucho), managing editor (Henshu Jicho), chief of editorial staff (ronsetsu Shunin), news editor (News Henshu Shukan) and any other official, regardless of his title, who in fact exercises the authority or influence or receives compensation commensurate with any of officials listed above of the following:

(1) Akahate Sha (Akahate Co.).
(2) Akita Sakigake Shipo-Sha (Akita Sakigake Newspaper Co.).
(3) Asahi Shinbun-Sha (Asahi Newspaper Co.).
(4) Bocho Shinbun (Bocho Newspaper Co.).
(5) Bunka Shinbun Sha (Culture Newspaper Co.).
(6) Chiba Shinbun Sha (Chiba Newspaper Co.).
(7) Chubu Keizai Shinbun Sha (Central Economic Newspaper Co.).
(8) Chubu Minpo Sha (Central Minpo Co.).
(9) Chubu Nippon Shinbun-Sha (Central Japan Newspaper Co.).
(10) Chugoku Shin-bun-Sha (Chugoku Newspaper Co.).
(11) Chukyo Shinbun Sha (Chukyo Newspaper Co.).
(12) Dai Ichi Shinbun Sha (First Newspaper Co.).
(13) Daily Tohoku Sha (Daily Tohoku Co.).
(14) Ehime Shinbun-Sha (Ehime Newspaper Co.).
(15) Fujin Minshu Shinbunsha (Women's Democratic Newspaper Co.).
(16) Fukui Shinbun Sha (Fukui Newspaper Co.).
(17) Fukushima Minpo Sha (Fukushima Minpo Newspaper Co.).
(18) Fukushima Minyu Shinbun Sha (Fukushima Minyu Newspaper Co.).
(19) Gifu Times Sha (Gifu Times Co.).
(20) Godo Shinbun-Sha (United Newspaper Co.).
(21) Hakodate Shinbun Sha (Hakodate Newspaper Co.).
(22) Hochi Shinbun Sha (Hochi Newspaper Co.).
(23) Hokkai Nichi Nichi Shinbun Sha (Hokkai Daily Newspaper Co.).
(24) Hokkai Times Sha (Hokkai Times Co.).
(25) Hokkaido Shinbun-Sha (Hokkaido Newspaper Co.).
(26) Hokkoku Shinbun-Sha (Northern Country Newspaper Co.).
(27) Hokuriku Yukan Shinbun Sha (Hokuriku Evening Newspaper Co.).
(28) Hyuga Nichi Nichi Shinbun Sha (Hyuga Daily Newspaper Co.).
(29) Ibaragi Shinbun Sha (Ibaragi Newspaper Co.).
(30) Ise Shinbun Sha (Ise Newspaper Co.).
(31) Ishikawa Shinbun Sha (Ishikawa Newspaper Co.).
(32) Iwate Shinpo Sha (Iwate Newspaper Co.).
(33) Jiji Shinpo-Sha (Jiji Daily News Co.).
(34) Jiji Tsushin-Sha (Jiji News Agency).
(35) Jinmin Shinbun Sha (People's Newspaper Co.).
(36) Jiyu Shinbun Sha (Liberty Newspaper Co.).
(37) Jomo Shinbun Sha (Jomo Newspaper Co.).
(38) Junior Times Sha (Junior Times Co.).
(39) Kagaku Bunka Shinbun Sha (Scientific Culture Newspaper Co.).
(40) Kahoku Shinpo-Sha (Kahoku Newspaper Co.).
(41) Kanagawa Shinbun Sha (Kanagawa Newspaper Co.).
(42) Kita Nippon Shinbun Sha (Northern Japan Newspaper Co.).
(43) Kobe Shinbun-Sha (Kobe Newspaper Co.).
(44) Kochi Nippo Sha (Kochi Newspaper Co.).
(45) Kochi Shinbun-Sha (Kochi Newspaper Co.).
(46) Kogyo Shinbun Sha (Industrial Newspaper Co.).
(47) Kumamoto Nichi Nichi Shinbun-Sha (Kumamoto Daily Press Co.).
(48) Kure Shinbun-Sha (Kure Newspaper Co.).

receives compensation commensurate with that of any of officials listed above of the following:

(49) Kyodo Tsushin-Sha (Kyodo News Agency)
(50) Kyoto Nichi Nichi Shinbun Sha (Kyoto Daily Newspaper Co)
(51) Kyoto Shinbun-Sha (Kyoto Newspaper Co.)
(52) Kyushu Times Sha (Kyushu Times Co)
(53) Mainichi Shinbun-Sha (Mainichi Newspaper Co).
(54) Minami Nippon Shinbun-Sha (Southern Japan Newspaper Co)
(55) Minpo-Sha (Minpo Co)
(56) Miyako Shinbun Sha (Miyako Newspaper Co)

(62) Nichibei Shinbun Sha (Japan-America Newspaper Co)
(63) Niigata Nippo-Sha (Niigata Newspaper Co.)
(64) Nikkan Sports Sha (Daily Sports Co)

(72) Okinawa Shin Minpo Sha (Okinawa New Minpo Co)
(73) Osaka Jiji Shinpo Sha (Osaka Chronicle Co)
(74) Osaka Nichi Nichi Shinbun Sha (Osaka Daily Newspaper Co)
(75) Osaka Shinbun-Sha (Osaka Newspaper Co).
(76) Osaka Times Sha (Osaka Times Co)
(77) Saga Shinbun Sha (Saga Newspaper Co)
(78) Saitama Shinbun Sha (Saitama Newspaper Co)

(83) Seinen Shinbun Sha (Youth Newspaper Co)
(84) Seinen Times Sha (Youth Times Co)
(85) Sekai Nippo Sha (World Newspaper Co)
(86) Shiga Shinbun Sha (Shiga Newspaper Co).
(87) Shimane Shinbun Sha (Shimane Newspaper Co)
(88) Shimotsuke Shinbun Sha (Shimotsuke Newspaper Co)
(89) Shin Ehime Shinbun Sha (New Ehime Newspaper Co)
(90) Shin Hokkai Shinbun Sha (New Hokkai Newspaper Co)

(101) Shonen Times Sha (Boys Times Co)
(102) Shukan Jiyu Sha (Weekly Liberty Co)
(103) Shukan Kyoiku Shinbun Sha (Weekly Educational Newspapers Co)
(104) Sun Shashin Shinbun Sha (Sun Photo News Co)

(105) Tokai Mainichi Shinbun Sha (Tokai Daily Newspaper Co.).
(106) Tokai Yukan Shinbun Sha (Tokai Evening Newspaper Co.).
(107) Tokushima Minpo Sha (Tokushima Minpo Co.).
(108) Tokushima Shinbun Sha (Tokushima Newspaper Co.).
(109) Tokyo Shinbun-Sha (Tokyo Newspaper Co.).
(110) Tokyo Times Sha (Tokyo Times Co.).
(111) Tokyo Tomin Shinbun Sha (Tokyo Metropolitan Newspaper Co.).
(112) Too Nippo-Sha (Too Newspaper Co.).
(113) Toyama Shinbun Sha (Toyama Newspaper Co.).
(114) Wakayama Shinbun Sha (Wakayama Newspaper Co.).
(115) Yamagata Shinbun-Sha (Yamagata Newspaper Co.).
(116) Yamanashi Jiji Shinbun Sha (Yamanashi Chronicle Co.).
(117) Yamanashi Nichi Nichi Shinbun Sha (Yamanashi Daily Newspaper Co.).
(118) Yomiuri Shinbun-Sha (Yomiuri Newspaper Co.).
(119) Yukan Fukunichi Shinbun Sha (Evening Fukunichi Co.).
(120) Yukan Hiroshima Shinbun Sha (Evening Hiroshima Newspaper Co.).
(121) Yukan Kyoto Shinbun Sha (Evening Kyoto Newspaper Co.).
(122) Yukan Mie Shinbun Sha (Evening Mie Newspaper Co.).
(123) Yukan Miyako Shinbun Sha (Evening Miyako Newspaper Co.).
(124) Yukan Niigata Sha (Evening Niigata Co.).
(125) Yukan Okayama Sha (Evening Okayama Co.).
(126) Yukan Shinshu Sha (Evening Shinshu Co.).
(127) Yukan Tohoku Shinbun Sha (Evening Tohoku Newspaper Co.).
(128) Companies or organizations which publish newspapers having a circulation of 20,000 or more copies per issue.
(129) Any newspaper companies or organizations which advocated or expressed matters coming under any item prescribed in Article 1, paragraph 1 of Imperial Ordinance No. 101 of 1946 at any time during the period 7 July 1937, and 7 December 1941.

(b) Others:

Chairman, vice chairman, president, vice-president, director, *standing auditor, chief of compilation bureau,* editor in chief, chief of research bureau and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above of the following: Auditor, other than standing, advisor, councillor, the *highest ranking person of business or accounting department* and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above of the following:

(130) Ars (Arusu) (Ars Publishing Co.).
(131) Asahi Eiga-Sha (Asahi Motion Picture Co.).
(132) Bungei Shun Ju Shinsha (Bungei Shun Ju New Publishing Co.).
(133) Chikura Shobo (Chikura Publishing Co.).
(134) Chiyu Nippon Sha (Chiyu Nippon Association).
(135) Chobun Kaku (Chobun Kaku Publishing Co.).
(136) Chuo Koron-Sha (Central Critics Co.).
(137) Dai Ichi Shobo (Dai Ichi Publishing Co.).
(138) Dai Nippon Eiga K.K. (Great Japan Motion Picture Production Co. Ltd.).
(139) Dai Nippon Shuppan K.K. (Great Japan Publishing Co., Ltd.).
(140) Dai Nippon Yuben Kodan Sha (Great Japan Oration and Story Magazine Co.).
(141) Dai To Shuppan Sha (Dai To Publishing Co.).
(142) Daiwa Daiwa Honsha (Daiwa Daiwa Association Head Office).
(143) Den Tsu Eiga Sha (Den Tsu Motion Picture Co.).
(144) Diamond Sha (Diamond Co.).
(145) Dobun Kan (Dobun Kan Publishing Co.).
(146) Gaiko Jiho Sha (Diplomatic News Publishing Co.).
(147) Gan Sho Do (Gan Sho Do Publishing Co.).
(148) Haku Bun Kan (Haku Bun Kan Co.).
(149) Haku Sui Sha (Haku Sui Publishing Co.).

(155) Iwanami Shoten (Iwanami Bookstore Co)

(165) Kamakura Bunko (Kamakura Bunko Publishing Co)
(166) Kasumigaseki Shobo (Kasumigaseki Publishing Co)
(167) Kawaide Shobo (Kawaide Publishing Co)
(168) Keisatsu Kyokai (Policemen's Association)
(169) Kenkyu-Sha (Kenkyu Co)
(170) Kobundo (Kobundo Co)

(175) Meguro Shoten (Meguro Publishing Co)
(176) Mikasa Shobo (Mikasa Publishing Co)

(195) Shibun Kai (Shibun Association)
(196) Shin Sei Sha (Shin Sei Publishing Co)
(197) Shin Taiyo Sha (Shin Taiyo Publishing Co).
(198) Shincho-Sha (Shincho Co)

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(206) Sozo (Sozo Publishing Co.).
(207) Taiheiyo Shuppan Sha (Taiheiyo Publishing Co.).
(208) Takayama Shoin (Takayama Publishing Co.).
(209) Teishin Kyokai (Communications Association).
(210) Toho K.K. (Toho Co.).
(211) Tokyo Do. (Tokyo Do Publishing Co.).
(212) Toyo Keizai Shin Po Sha (Oriental Economist Co.).
(213) Yotoku Sha (Yotoku Sha Publishing Co.).
(214) Baifu Kan (Baifu Co.).
(215) Bukka-Chosa Kai (Commodities Price Research Society).
(216) Bunka Hyoron Sha (Cultural Commentary Co.).
(217) Chikuma Shobo (Chikuma Books Publishing Co.).
(218) Chikyu Shuppan Kabushiki Kaisha (Globe Publishing Co.).
(219) Daiichi-Hoki Shuppan Kabushiki Kaisha (The First Law Publishing Co., Ltd.).
(220) Fujin-no-Tomo Sha (Friends of Women Co.).
(221) Furoberu Kan (Frobel Co.).
(222) Futaba Shoten (Futaba Book Co.).
(223) Hobun Shorin (Hoben Book Co.).
(224) Ito Shoten (Ito Book Co.).
(225) Iwatani Shoten (Iwatani Book Co.).
(226) Kokumin Kyoiku Tosho K.K. (National Educational Book Co., Ltd.).
(227) Kokusai Bunka Kyokai (International Cultural Association).
(228) Kokusai Rengo Kenkyu Kai (United Nations Research Society).
(229) Kuraku Sha (Kuraku Co.).
(230) Meiji Shoin (Meiji Book Co.).
(231) Nanko Do (Nankodo Co.).
(232) Nanzan Do (Nanzan Do. Co.).
(233) Nippon Chizu Kabushiki Kaisha (Japan Atlas Co., Ltd.).
(234) Nippon Isho Kabushiki Kaisha (Japan Medical Books Co., Ltd.).
(235) Nippon Minshu-shugi Bunka Remmei (Japan Democratic Culture League).
(236) Nomin no Tomo Hakko Sho (Friends of Farmers Publishing Co.).
(237) Nosan Gyoson Bunka Kyokai (Agricultural, Mountain and Fishing Village Culture Association).
(238) Ogiku Shoin (Ogiku Book Co.).
(239) Saiken Senshu Kyoku (Reconstruction Publishing Board).
(240) Sangyotosho Kabushiki Kaisha (Industrial Books Co., Ltd.).
(241) Sankai Do (Seiji Co.).
(242) Sekai Hyoron Sha (World Commentary Co.).
(243) Shin Sekai Sha (New World Co.).
(244) Shishio Bunko (King of Lion Library Co.).
(245) Shoka Bo (Shoka Bo. Co.).
(246) Shonen Bunka Sha (Youth's Culture Co.).
(247) Shufu to Seikatsu Sha (Housewife and Daily Life Co.).
(248) Taiga Do (Taiga Do Co.).
(249) Taishukan Shoten (Taishukan Book Co.).
(250) Teikoku Chihogyoseigaku Kai (Imperial Local Administration Academy).
(251) Teito Shuppan Kabushiki Kaisha (Metropolitan Publishing Co., Ltd.).
(252) Tokyo Sha (Tokyo Co.).
(253) Tozai Shuppan Sha (East and West Publishing Co.).
(254) Uchida Rokakuho (Uchida Old Crane Co.).
(255) Yoken Do (Yoken Do Co.).
(256) Yoshida Shobo (Yoshida Book Co.).
(257) Yukei Sha (Rooster Co.).
(258) Zenkoku Shobo (All the Country Co.).
(259) Toyoko Eiga K.K. (Toyoko Film Co., Ltd.) (39)
(260) Yuhi Kaku (Yuhi Kaku Publishing Co.).
(261) Yuzan Kaku (Yuzan Kaku Publishing Co.).

(262) Companies or organizations which publish periodicals (excluding newspapers) or magazines having a circulation of 20,000 or more per issue

(263) Companies or organizations which, at any time during the period 7 July 1937, and 7 December 1941, advocated or expressed matters coming under any item prescribed in Article I, paragraph 1 of the Imperial Ordinance No. 101 of 1946 by any of the following means:

1) Publication of a book or a pamphlet,
2) Production of a motion picture or theatrical presentation or broadcasting of a program,
3) Sponsoring or control of dissemination of information through any media prescribed in the preceding two items.

10. *Political parties a member or members of which hold a seat or seats in the National Diet and their branches and other organizations which are required to file their declaration under the provisions of Article V, paragraph 1 of the Imperial Ordinance No 101 of 1946* (40)

Chairman (Sosai), vice-chairman (Fuku Sosai), president (Kaicho), vice president (Fuku Kaicho), Chief of the central executive committee (Chuo Shikko Iincho), secretary-general (Shoki-cho), director general (Kanji-cho), director (Kanji), senior executive member (Somu), member of executive board (Riji), member of permanent executive committee (Jonin *Shikko Iin*) and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above in the following

Auditor, advisor, councillor the highest ranking person of business and accounting department and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above in the following

(1) Akita Minshu To—Akita-ken (Akita Prefecture Democratic Party—Akita Pref)
(2) [illegible]

[illegible]

(8) Jiyu Doshi Kai—Osaka-fu (Liberal Fellowship Association—Osaka Pref)
(9) Kakushin Kyodo To—Tokushima-ken (Renovation Co-operative Party—Tokushima Pref)
(10) Konishi Kai—Osaka-fu (Konishi Society—Osaka Pref)

[illegible]

(17) Minshu Jiyu To (Democratic Liberals Party)
(18) Miyazaki Jichi Kakushin Remmei—Miyazaki-ken (Miyazaki Prefecture Automatic Renovation League—Miyazaki Pref)
(19) Miyazaki Shoko Seiji Kyogi Kai—Miyazaki-ken (Miyazaki Commercial and Industrial Policy Conference —Miyazaki Pref)
(20) Niigata-ken Seiji Sasshin Domei—Niigata-ken (Niigata Prefecture Political Renovation League—Niigata Pref)
(21) Nippon Himmin To (Nippon Yamato Remmei—Miyazaki-ken (Japan People's Party (Japan Yamato League)—Miyazaki Pref.)
(22) [illegible] —Nara Pref).

[illegible]

(28) Rikken Yosei Kai—Tokyo-to (Constitutional Right Cultivations Association—Tokyo Metropolis).
(29) Seinen Jiyu To—Tokyo-to (Young People's Liberal Party—Tokyo Metropolis).
(30) Sekai Heiwa To—Tokyo-to (World Pacifist Party—Tokyo Metropolis).
(31) Shakai Kakushin To (Social Reformist Party).
(32) Shakai Kakushin To—Saitama-ken (Social Reformist Party—Saitama Pref.).
(33) Shinbei Hakuai Kinro To—Saitama-ken (Americophile Philanthropic Labor Party—Saitama Pref.).
(34) Shin Nippon Kensetsu Domei—Mie-ken (New Japan Construction League—Mie Pref.).
(35) Shin Nippon Yoron Jissen Remmie—Aichi-ken (New Japan League for Practice of Public Opinion—Aichi Pref.).
(36) Tochigi-ken Noson Remmei—Tochigi-ken (Tochigi Prefecture Rural League—Tochigi Pref.) (41).

11. Iufluential companies, financial institutions, and other economic organizations. (42).
Chairman (Kai Cho), vice-chairman (Fuku Kaicho), president (Shacho or Todori), vice-president (Fuku Shacho or Fuku Todori), director (Torishimariyaku or Riji), Standing auditor (Jonin-Kansayaku or Jonin Kanji) and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above of the following:
Auditor other than standing (Kansayaku or Kanji), advisor (Komon), councillor (Sodanyaku), the highest ranking person of the business or accounting department and any other official, regardless of his title, who, in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above of the following:

(a) In Japan:
(1) Amagasaki Seitetsu K. K. (Amagasaki Iron Mfg. Co., Ltd.).
(2) Asahi Denka Kogyo K. K. (Asahi Electrical Industrial Co., Ltd.).
(3) Asahi Kasei Kogyo K. K. (Asahi Chemical Ind. Co., Ltd.).
(4) Asano Bussan K. K. (Asano Trading Co., Ltd.).
(5) Asano Cement K. K. (Asano Cement Co., Ltd.).
(6) Asano Honsha (Asano Central Co.).
(7) Chubu Haiden K. K. (Chubu District Electricity Distribution Co., Ltd.).
(8) Chugoku Haiden K. K. (Chugoku District Electricity Distribution Co., Ltd.).
(9) Daido Seiko K. K. (Daido Steel Mfg. Co., Ltd.).
(10) Daiken Sangyo K. K. (Daiken Industry Co., Ltd.).
(11) Dai Nippon Heiki K. K. (Great Japan Arms Production Co., Ltd.).
(12) Dai Nippon Boseki K. K. (Great Japan Spinning Co., Ltd.).
(13) Fuji Sangyo K. K. (Fuji Industrial Co., Ltd.).
(14) Furukawa Denki Kogyo K. K. (Furukawa Electric Ind. Co., Ltd.).
(15) Furukawa Kogyo K. K. (Furukawa Mining Co., Ltd.).
(16) Fuso Kinzoku Kogyo K. K. (Fuso Metal Ind. Co., Ltd.).
(17) Gisei Kai (Gisei Association).
(18) Hayashikane Shoten K. K. (Hayashikane Co., Ltd.).
(19) Hitachi Keiki Seisakusho (Hitachi Arms Mfg. Works, Ltd.).
(20) Hitachi Kokuki K. K. (Hitachi Aeroplane Co., Ltd.).
(21) Hitachi Seiki K. K. (Hitachi Machine Mfg. Co., Ltd.).
(22) Hitachi Seisakusho (Hitachi Engineering Works, Ltd.).
(23) Hitachi Zohei K. K. (Hitachi Arms Mfg. Co., Ltd.).
(24) Hitachi Zosensho (Hitachi Shipbuilding Yard Co., Ltd.).
(25) Hokkaido Tanko Kisen K. K. (Hokkaido Mining & Steamship Co., Ltd.).
(26) Hokuriku Haiden K. K. (Hokuriku District Electricity Distribution Co., Ltd.).
(27) Ishikawajima Jyukogyo K. K. (Ishikawajima Heavy Industries Co., Ltd.).
(28) Kabushiki Kaisha Nissan (Nissan Co., Ltd.).
(29) Kanegafuchi Boseki K. K. (Kanegafuchi Spinning Ind. Co., Ltd.).
(30) Kansai Haiden K. K. (Kansai District Electricity Distribution Co., Ltd.).
(31) Kanto Haiden K. K. (Kanto District Electricity Distributing Co., Ltd.).
(32) Katakura Kogyo K. K. (Katakura Ind. Co., Ltd.).
(33) Kawanami Kogyo K. K. (Kawanami Industries Co., Ltd.).
(34) Kawasaki Jyukogyo K. K. (Kawasaki Heavy Ind. Co., Ltd.).
(35) Kawasaki Kisen K. K. (Kawasaki Steamship Co., Ltd.).

(36) Kawasaki Sangyo K K (Kawasaki Industry Co , Ltd)
(37) Kawasaki Sharyo K K (Kawasaki Rolling Stock Co , Ltd)
(38) Keihanshin Kyuko Dentetsu K K (Keihanshin Express Tramway Co , Ltd)
(39) K [illegible]
(40) [illegible]
(41) [illegible])
(42) Kyushu Haiden K K (Kyushu District Electricity Distribution Co , Ltd)
(43) Meiji Seimei Hoken K K (Meiji Life Insurance Co , Ltd)
(44) Minsei Sangyo K K (Minsei Ind Co , Ltd)
(45) Mitsubishi Denki Kikai K K (Mitsubishi Electrical Machinery Co , Ltd)
(46) Mitsubishi Ginko (Mitsubishi Bank)
(47) Mitsubishi Goshi K K (Mitsubishi Partnership, Ltd)
(48) Mitsubishi Honsha (Mitsubishi Central Co)
(49) [illegible] Co , Ltd)
[illegible] Co , Ltd)
[illegible])
[illegible]
(54) Mitsubishi Seiko K K (Mitsubishi Steel Mfg Co , Ltd)
(55) Mitsubishi Shintaku K K (Mitsubishi Trust Co , Ltd)
(56) Mitsubishi Shoji K K (Mitsubishi Trading Co , Ltd)
(57) Mitsubishi Soko K K (Mitsubishi Warehouse Co , Ltd)
(58) Mitsui Bussan K K (Mitsui Trading Co , Ltd)
(59) *Mitsui Fudosan* K K (Mitsui Real Estate Co , Ltd)
(60) Mitsui Ginko (Mitsui Bank)
(61) Mitsui Gomei K K (Mitsui Partnership)
(62) Mitsui Honsha (Mitsui Central Co)
(63) Mitsui Kagaku Kogyo K K (Mitsui Chemical Ind Co , Ltd)
(64) Mitsui Kozan K K (Mitsui Mining Co , Ltd)
(65) Mitsui Mokuzai K K (Mitsui Lumber Co , Ltd)
(66) Mitsui Seiki K K (Mitsui Precise Instruments Co , Ltd)
(67) Mitsui Senpaku K K (Mitsui Shipping Co , Ltd)
(68) Mitsui Shintaku K K (Mitsui Trust Co , Ltd)
(69) Mitsui Soko K K (Mitsui Warehouse Co , Ltd)
(70) Mitsui Yushi K K (Mitsui Grease and Fat Co , Ltd)
(71) Mitsui Zosen K K (Mitsui Shipbuilding Co , Ltd)
[illegible]

(92) Nippon Sekiyu K. K. (Japan Petroleum Co., Ltd.).
(93) Nippon Seitetsu K. K. (Japan Iron Mfg. Co., Ltd.).
(94) Nippon Soda K. K. (Japan Soda Co., Ltd.).
(95) Nippon Suisan K. K. (Japan Marine Products Co., Ltd.).
(96) Nippon Yusen K. K. (N. Y. K.).
(97) Nissan Kagaku Kogyo K. K. (Nissan Chemical Ind. Co., Ltd.).
(98) Nissan Jyukogyo K. K. (Nissan Heavy Ind. Co., Ltd.).
(99) Nissin Kagaku Kogyo K. K. (Nissin Chemical Ind. Co., Ltd.).
(100) Nitchitsu Kogyo Kaihatsu K. K. (Nitchitsu Mining Development Co., Ltd.).
(101) Nitchitsu Kainan Kogyo K. K. (Nitchitsu Kainan Dev. Co., Ltd.).
(102) Nitchitsu Nenryo Kogyo K. K. (Nitchitsu Fuel Ind. Co., Ltd.).
(103) Nitchitsu Shoken K. K. (Nitchitsu Securities Co., Ltd.).
(104) Nittetsu Kogyo K. K. (Nittetsu Mining Co., Ltd.).
(105) Nomura Ginko (Nomura Bank).
(106) Nomura Gomei Kaisha (Nomura Partnership).
(107) Nomura Higashi Indo Shokusan K. K. (Nomura East Indies Colonization Co., Ltd.).
(108) Nomura Shintaku K. K. (Nomura Trust Co., Ltd.).
(109) Nomura Shoken K. K. (Nomura Securities Co., Ltd.).
(110) Oji Seishi K. K. (Oji Paper Mfg. Co., Ltd.).
(111) Oki Denki K. K. (Oki Electricity Co., Ltd.).
(112) Okura Doboku K. K. (Okura Engineering Co., Ltd.).
(113) Okura Sangyo K. K. (Okura Industry Co., Ltd.).
(114) Okura Kogyo K. K. (Okura Mining Co., Ltd.).
(115) Onoda Cement K. K. (Onoda Cement Co., Ltd.).
(116) Osaka Shosen K. K. (O. S. K.).
(117) Osaka Sumitomo Kasai Kaijo Hoken K. K. (Osaka Sumitomo Fire and Marine Insurance Co., Ltd.).
(118) Otani Jyukogyo K. K. (Otani Heavy Ind. Co. Ltd.).
(119) Riken Kogyo K. K. (Riken Ind. Co., Ltd.).
(120) Sanki Kogyo K. K. (Sanki Engineering Co., Ltd.).
(121) Seika Kogyo K. K. (Seika Mining Co., Ltd.).
(122) Shibusawa Dozoku K. K. (Shibusawa Family Co., Ltd.).
(123) Shikoku Kikai Kogyo K. K. (Shikoku Machine Ind. Co., Ltd.).
(124) Showa Denko K. K. (Showa Electrical Ind. Co., Ltd.).
(125) Showa Hikoki K. K. (Showa Aeroplane Co., Ltd.).
(126) Showa Tsusho K. K. (Showa Trading Co.).
(127) Sumitomo Alumi Seiren K. K. (Sumitomo Aluminium Refinery Co., Ltd.).
(128) Sumitomo Denki Kogyo K. K. (Sumitomo Electrical Ind. Co., Ltd.).
(129) Sumitomo Ginko (Sumitomo Bank).
(130) Sumitomo Gomei K. (Sumitomo Partnership).
(131) Sumitomo Honsha (Sumitomo Central Co.).
(132) Sumitomo Shintaku K. K. (Sumitomo Trust Co., Ltd.).
(133) Sumitomo Soko K. K. (Sumitomo Warehouse Co., Ltd.).
(134) Tachikawa Kokuki K. K. (Tachikawa Aeroplane Mfg. Co., Ltd.).
(135) Taisho Kasai Kaijo Hoken K. K. (Taisho Fire and Marine Insurance Co., Ltd.).
(136) Teikoku Ginko (Teikoku Bank).
(137) Teikoku Seimei Hoken K. K. (Teikoku Life Insurance Co., Ltd.).
(138) Teikoku Seni K. K. (Teikoku Fiber Co., Ltd.).
(139) Titan Kogyo K. K. (Titan Ind. Co., Ltd.).
(140) Toa Kaiun K. K. (Toa Navigation Co., Ltd.).
(141) Tohoku Haiden K. K. (Tohoku District Electricity Distribution Co., Ltd.).
(142) Tohoku Shinko Alumi K. K. (Tohoku Development Aluminum Co., Ltd.).
(143) Tohoku Shinko Pulp K. K. (Tohoku Development Pulp Co., Ltd.).
(144) Tokyo Gas K. K. (Tokyo Gas Co., Ltd.).
(145) Tokyo Kaijo Hoken K. K. (Tokyo Maritime Insurance Co., Ltd.).
(146) Tokyo Kyuko Deutetsu K. K. (Tokyo Express Tramway Co., Ltd.).
(147) Tokyo Shibaura Denki K. K. (Tokyo Shibaura Electricity Co., Ltd.).

(148) [illegible]
(149) [illegible]
(150) [illegible]
(151) [illegible]
(152) [illegible]
(153) [illegible]
(154) [illegible]
(155) Toyo Rayon K K (Toyo Rayon Co , Ltd)
(156) Yamashita Kisen K. K (Yamashita Steamship Co , Ltd)
(157) Yasuda Ginko (Yasuda Bank)
(158) Yasuda Hozensha (Yasuda Central Co)
(159) Yasuda Kasai Kaijo Hoken K K (Yasuda Fire and Marine Insurance Co , Ltd)
(160) Yasuda Shintaku K K (Yasuda Trust Co , Ltd)

(b) Outside Japan

[illegible]

(9) Chosen Kogyo Shinko K K (Chosen Mining Development Co , Ltd)
(10) Chosen Oryokuko Suiden (Chosen Oryokuko Hydroelectric Co , Ltd)
(11) Chosen Sekiyu K K (Chosen Oil Co , Ltd)
(12) Chosen Shinko Kinzoku K K (Chosen Shinko Metal Ind Co , Ltd)
(13) Chosen Sumitomo Keikinzoku K K (Chosen Sumitomo Light Metal Co , Ltd)
(14) Chuka Koku K K (Central China Aviation Co , Ltd)

[illegible]

(43) Kokusai Unyu K. K. (International Transportation Co. Ltd.).
(44) Kono Ginko (Agriculture Development Bank).
(45) Manshu Dengyo K. K. (Manchurian Electrical Works Co., Ltd.).
(46) Manshu Denki Kagaku Kogyo K. K. (Manchuria Electric Chemical Ind. Co., Ltd.).
(47) Manshu Denshin Denwa K. K. (Manchurian Telephone and Telegram Co., Ltd.).
(48) Manshu Eiga Kyokai (Manchurian Cinema Association).
(49) Manshu Enko K. K. (Manchurian Lead Mine Co., Ltd.).
(50) Manshu Gosei Nenryo K. K. (Manchurian Synthetic Fuel Co., Ltd.).
(51) Manshu Hikoki Seizo K. K. (Manchurian Aeroplane Mfg. Co., Ltd.).
(52) Manshu Hitachi Seisakusho (Manchurian Hitachi Mfg. Works Ltd.).
(53) Manshu Jidosha Seizo K. K. (Manchurian Automobiles Mfg. Co. Ltd.).
(54) Manshu Jinzo Sekiyu K. K. (Manchurian Synthetic Oil Co., Ltd.).
(55) Manshu Keikinzoku K. K. (Manchurian Light Metals Co., Ltd.).
(56) Manshu Kogyo Kaihatsu K. K. (Manchurian Mining Development Co., Ltd.).
(57) Manshu Koku K. K. (Manchurian Aviation Co., Ltd.).
(58) Manshu Kosho K. K. (Manchurian Arsenal Ltd.).
(59) Manshu Kozan K. K. (Manchurian Mines Co., Ltd.).
(60) Manshu Magnesium K. K. (Manchurian Magnesium Co., Ltd.).
(61) Manshu Nochi Kaihatsu Kosha (Manchurian Agricultural Land Development Co.).
(62) Manshu Oryokuko Suiryoku Hatsuden K. K. (Manchurian Oryokuko Hydroelectric Co., Ltd.).
(63) Manshu Seitetsu K. K. (Manchurian Iron Mfg. Co., Ltd.).
(64) Manshu Sekitan Ekika Kenkyusho (Manchurian Coal Liquefaction Research Institute).
(65) Manshu Sekiyu K. K. (Manshu Oil Co., Ltd.).
(66) Manshu Sumitomo Kinzoku K. K. (Manchurian Sumitomo Metals Co., Ltd.).
(67) Manshu Tanko K. K. (Manchurian Coal Mine Co., Ltd.).
(68) Manshu Tokushu Tekko K. K. (Manchurian Special Iron Ore Co., Ltd.).
(69) Manshu Toshi Shoken K. K. (Manchurian Investment and Securities Co., Ltd.).
(70) Manshu Toyo Boseki K. K. (Manchurian Toyo Spinning Co., Ltd.).
(71) Mitsui Keikinzoku K. K. (Mitsui Light Metals Co., Ltd.).
(72) Mitsuzan Tanko K. K. (Mitsuzan Coal Mine Co., Ltd.).
(73) Mokyo Dengyo K. K. (Mongolian Electricity Co., Ltd.).
(74) Mokyo Denki Tsushin Setsubi K. K. (Mongolian Electric Communication Equipment Co., Ltd.).
(75) Mozan Tekko Kaihatsu K. K. (Mozan Iron Mine Development Co., Ltd.).
(76) Naka Shina Gunpyo Kokanyo Busshi Haikyu Kumiai (Central China Distributing Association of Materials for Exchange with Military Notes).
(77) Nichiman Shoji K. K. (Japan Manchurian Trading Co., Ltd.).
(78) Nippon Koshuha Jyukogyo K. K. (Japan High Frequency Heavy Ind. Co., Ltd.).
(79) Okura Jigyo K. K. (Okura Enterprise Co., Ltd.).
(80) Ryuen Tekko K. K. (Ryuen Iron Mine Co., Ltd.).
(81) Sansei Sangyo K. K. (Sansei Ind. Co., Ltd.).
(82) Seian Tanko K. K. (Seian Coal Mine Co., Ltd.).
(83) Showa Seikosho (Showa Steel Mfg. Works Ltd.).
(84) Taiwan Denryoku K. K. (Taiwan Electric Power Co., Ltd.).
(85) Tohendo Kaihatsu K. K. (Tohendo Development Co., Ltd.).

Note 1: Companies, associations and other organizations listed in this Appendix which have changed or may change their names will be treated as those listed in this Appendix.

Note 2: The above list includes certain dissolved companies and companies under liquidation now.

12. *Influential companies, financial institutions and other economic organizations other than listed in the preceding paragraph.* (43)

Chairman (Kaicho), Vice-Chairman (Fuku Kaicho), president (Shacho or Todori), vice-president (Fuku Shacho or Todori), director (Terishimari-yaku or Riji), standing auditor (Jonin Kamseyaku or Kanji), and any other official, regardless of his title who, in fact, exercises the authority or influence or re- Auditor other than standing, advisor councillor, the highest ranking person of the business or accounting department and any other official regardless of his title, who in fact, exercises the authority or influence or receives compensation commensurate with that of any of officials listed above of the following:

[illegible]

(4) Daiwa Boseki K K. (Daiwa Spinning Co , Ltd).
(5) Daiwa Shoken K K. (Daiwa Securities Co , Ltd)
[illegible]

(11) Kawanishi Kokuki K K (Kawanishi Airplane Co , Ltd)
(12) Kobe Ginko (Kobe Bank)
(13) Kurashiki Boseki K K (Kurashiki Cotton Spinning Co , Ltd)
(14) Maruzen Sekiyu K K (Maruzen Oil Co , Ltd)
(15) Matsushita Denki Sangyo K K (Matsushita Electrical Ind Co , Ltd)
(16) Matsushita Kokuki K K (Matsushita Airplane Co , Ltd)
(17) Naigai Men K K (Naigai Cotton Co , Ltd)
(18) Nanyo Kaiun K K (South Sea Navigation Co , Ltd)
(19) Nikko Shoken K K (Nikko Securities Co , Ltd)
[illegible] Ltd)

[illegible])

[illegible]

(30) Shikishima Boseki K K (Shikishima Spinning Co , Ltd)
(31) Showa Nosan Kako K K (Showa Agricultural Products Co , Ltd).
(32) Teikoku Jinzo Kenshi K K (Teikoku Rayon Co , Ltd)
(33) Tokai Ginko (Tokai Bank)
(34) Tokyo Ginko (Tokyo Bank)
(35) Tokyo Shibaura Kyodo Kogyo K K (Tokyo Shibaura Joint Ind. Co , Ltd).
(36) Tokyo Shoken K. K (Tokyo Securities Co , Ltd)
(37) Toyoda Jidosha K K (Toyoda Automobiles Co , Ltd)
(38) Yamaichi Shoken K. K (Yamaichi Securities Co , Ltd).

Note 1 Companies, associations and other organizations listed in this Appendix which have changed or may change their names will be treated as those listed in this Appendix

Note 2 The above list includes certain dissolved companies and companies under liquidation now.

Appendix III

Positions concerning which the Prime Minister makes designation under Article IV of the Ordinance	Positions concerning which the prefectural governor makes designation under Article IV of the Ordinance.
1 *Government including its local branches, bureaus, agencies, and offices, as well as Kodan (Paragraph 1 of Appendix II).*	
All of government officials and persons corresponding to above	None
2 *National Diet (Paragraph 2 of Appendix II)*	
All of Diet members.	None.

3. *Commissioners or committees provided for by law and ordinance (Paragraph 3 of Appendix II).* (44)

Chairman, vice-chairman, commissioner, members and personnel of committees of the national level or scale covering several prefectures and all committee members of the Public Office Qualifications Examinations Committee.	Members and personnel of committees of the prefectural level or below (excluding committee members of the Public Office Qualifications Examination Committee of the prefectural level or below).

4. *Prefecture (including To, Do, Fu and Ken) (Paragraph 4 of Appendix II).* (45)

Prefectural governor and Central Government Officials of the Second grade or personnel holding the rank commensurate therewith.	All other public offices.

5. *City, Town, Village or "Town and Village Association" for the Whole Business or for the Public Office Business (Par. 5 of Appendix II).*

Mayor of Kyoto, Osaka, Yokohama, Kobe, and Nagoya cities.	All other public offices.

6. *Special companies, corporations (Eidan) special banks and companies in which the Government or organizations mentioned above is the largest stockholder (paragraph 6 of Appendix II).* (46)

All of the public offices of organizations above.	All of the public offices of Shokuryo Eidan of the prefectural level.

7. *Organizations to be designated under the Temporary Supply and Demand Adjustment Law and those which are reorganization of Toseikai, Tosei Kaisha or Toseikumiai, established after September 2, 1945 (Paragraph 7 of Appendix II).* (47)

All of the public office of organizations above.	None.

8. *Organizations established under the special legislation, organizations subsidized by the government and other organizations serving for the public benefits corresponding to above (Paragraph 8 of Appendix II).* (47)

All of public offices of organizations of the national level or scale, covering several prefectures.	All of public office of organizations of the prefectural level or below.

9. *Principal newspaper companies, news agency, publishing companies, motion picture and theater companies, broadcasting corporation, and other media of mass communication (Paragraph 9 of Appendix II).* (47)

All of the public offices.	None.

10. *Political parties a member or members of which hold a seat or seats in the National Diet and other organizations which are required to file their declaration under the provisions of Article V, Paragraph 1 of the Imperial Ordinance No. 101 of 1946 (Paragraph 10 of Appendix II).* (47)

All of public offices of the national organization and covering several prefectures.	All of public office of its local branches of the prefectural level or below.

11. *Influential companies and financial institutions (Paragraph 11 of Appendix II).* (47)

All of public offices.	None.

12. *Influential companies, financial institutions and other economic organizations other than listed under the preceding paragraph (Paragraph 12 of Appendix II).* (47)

All of public offices.	None.

Form No. 2 (Form of Certificate of Eligibility) (48)
A. Certificate to be issued by the Prime Minister.
No.......

Certificate of Eligibility
Name
Address
Date of Birth

Date

I hereby certify that, as the result of examination on the basis of the Questionnaire prescribed in Article 7, Paragraph 1, of Imperial Ordinance No. 1 of 1947 (relating to the exclusion, removal, retirement and others from public

office), person mentioned above has been established as not falling under the provisions of the Memorandum of the Supreme Commander for the Allied Powers dated 4 January 1946, on the removal and exclusion of undesirable personnel from public office

THE PRIME MINISTER

Note The present certificate will be invalid in case entries false or lacking full and complete disclosures have been made or in case the person has been established as falling under the Memorandum owing to facts not mentioned in the questionnaire

B. Certificate to be issued by the Prefectural Governor

No

Certificate of Eligibility

Name

Address

Date of Birth

Date

I hereby certify that, as the result of examination on the basis of the questionnaire submitted in accordance with the provisions of Article VII, paragraph 1, of the Imperial Ordinance No 1 of 1947, the person mentioned above has been established as not falling under the provisions of the Memorandum of the Supreme Commander for the Allied Powers dated 4 January 1946, on the removal and exclusion of undesirable personnel from public office

THE PREFECTURAL GOVERNOR

Note (1) The present certificate will be invalid in case entries false or lacking full and complete disclosures have been made or in case the person has been established as falling under the Memorandum owing to facts not mentioned in the questionnaire.

(2) This certificate shall be invalid with offices to be designated by the Prime Minister in accordance with the Appendix III of the Cabinet and Home Affairs Ministry Ordinance No 1 of 1947 and candidates therefor

Appendix IV

The extent for the person to be provisionally designated by the prefectural governor, shall be as follows (excluding person whose address it is impossible to know)

1. Any person who has, at any time, occupied the following position

(1) Imperial Rule Assistance Association

Chief (Shibucho), Secretary-General (Jimu-Kyokucho) or Chief of a Section (Bucho) or a prefectural Branch Chairman of a Prefectural Cooperation Conference (Kyoryokukaigi Gicho)

[illegible]

hereinafter) or Ward Branch.

Chief (Shibucho) of a Town or Village Branch operation conference.

(2) Affiliation of I. R A A.

[illegible]

(Bucho) of a Municipal Headquarters of the six principal cities.

Chief (Dancho) of a Gun, City, Ward, Town or Village Branch.

B Dai Nippon Koa Domei (The Asia Development League of Great Japan) (49)

AUTHORITY FOR CHANGES IN THE ORDINANCES

Imperial Ordinance No. 1 of 1947

(1) Article IV revised by Imperial Ordinance No. 77, March 12, 1947

(2) Article VII–II and VII–III added by Cabinet Order No 119, July 2, 1947.

(3) Article VIII—deletion of former paragraphs 1 and

2; in new paragraph 2 change from "preceding three paragraphs" to "preceding paragraph"—By Cabinet Order No. 119, July 2, 1947.

(4) Article XIII revised by Cabinet Order No. 288, December 27, 1948.

(5) Article XIV-(2) added by Prime Minister's Offices Ordinance No. 11, February 9, 1948.

(6) Article XV added by Imperial Ordinance No. 77, March 12, 1947.

(7) Article XV—Addition of paragraph 5 by Prime Minister's Offices Ordinance No. 11, February 9, 1948.

(8) Article XV—Addition of 15-2, 15-3 and 15-4 by Cabinet Order No. 145, July 1, 1948.

(9) Article XVI—Addition of items (8) and (9) by Cabinet Order No. 145, July 1, 1948.

(10) Article XVI—(a) renumbered: change in item 6: and addition of item 7 by Imperial Ordinance No. 77, March 12, 1947.
(b) reference to article VII-II in item 3 added by Cabinet Order No. 119, July 2, 1947.

Imperial Ordinance No. 2 of 1947

(11) Article II—addition of paragraph 2 by Cabinet Order 237, November 7, 1947.

(12) Article II—deletion of references to Chonaikai, Burakukai—by Imperial Ordinance No. 64, March 3, 1947.

(13) Article XII added by Imperial Ordinance No. 64, March 3, 1947.

(14) Article XII—renumbered: Addition of "(excluding the Central Committee)" to paragraph 1: deletion of reference to Central Committee in paragraph 2— by Imperial Ordinance No. 64, March 3, 1947.

(15) Article XIV renumbered by Imperial Ordinance No. 64, March 3, 1947.

Imperial Ordinance No. 4 of 1947

(16) Ordinance No. 4 abolished by Imperial Ordinance No. 67, March 3, 1947.

Cabinet and Home Affairs Ministry Ordinance No. 1 of 1947

(17) Article II—addition of paragraph 2 by Prime Minister's Offices Ordinance No. 32, June 23, 1948.

(18) Article IV—addition of paragraph 2 by Prime Minister's Office and Ministry for Home Affairs Ordinance No. 10, November 7, 1947.

(19) Article V—addition to paragraph 1 of proviso "However, as to the person whose address it is impossible to know," etc., by Prime Minister's Office and Ministry for Home Affairs Ordinance No. 10, November 7, 1947.

(20) Article V—addition of reference to Article VII-II in paragraph 1: deletion of reference to House of Peers members in paragraph 2—by Prime Minister's Office and Home Ministry Order No. 4, July 2, 1947.

(21) Article VII—(a) Addition of paragraph 2 (validity of certificate of eligibility)—by Cabinet and Home Ministry Ordinance No. 3, March 3, 1947.
(b) Addition of paragraph 3 (number of questionnaires submitted for Article VII-III)—by Prime Minister's Office and Home Ministry Order No. 4, July 2, 1947.

(22) Article VIII—(a) Change in paragraph 4 (request for additional copies of questionnaire)—by Cabinet and Home Ministry Ordinance No. 3, March 3, 1947.
(b) deletion of paragraph 5 (members of House of Peers)—by Prime Minister's Office and Home Ministry Order No. 4, July 2, 1947.

(23) Article IX—change in paragraph 3 (invalid certificates of eligibility) by Cabinet and Home Affairs Ministry Ordinance No. 3, March 3, 1947.

(24) Article X—addition of "or financial institutions to which the business or insurance policy has been transferred in accordance with the provisions of Article 26, paragraph 2, of the same Law"—by Prime Minister's Offices Ordinance No. 32, June 23, 1948.

(25) Article X added by Cabinet Order No. 32, February 9, 1948.

Appendix I

(26) Article III—addition of the following by Prime Minister's Office and Home Ministry Order No. 4, July 2, 1947:
Kai Jin Kai (Oceanic Benevolence Society).
Kannagara Renmei (Divine Way League).
Nippon Sumera (Nippon Kodo To) Japan Kodo To (Japan Imperial Way Party).
Kumamoto Ken: Nippon Koito Doshi Kai (Kumamoto Prefecture: Carp Banner Comrade Society).

(27) Article IV—addition of officers of Asia Development Headquarters to paragraph 1: and of local branches of IRAPS to paragraph 5—by Cabinet and Home Ministry Ordinance No. 8, April 11, 1947.

(28) Article VII—(a) addition of "Remarks"—by Cabinet and Home Ministry Ordinance No. 4, March 11, 1947.
(b) addition of "Note" to A. 1), b. of item 5 of "Remarks": and modification of d. of item 5 of "Remarks"—by Premier's Office and Home Ministry Order No. 3, June 30, 1947.
(c) addition of companies to d. of item 5 of "Remarks"—by Information Media Black List, June 30, 1947.
(d) addition of item 10 (Dai Nippon Butoku Kai) to "Remarks"—by Prime Minister's Office and Home Ministry Ordinance No. 6, August 2, 1947.

(29) Addition to "Appended List"—(2)—Book and Magazine Publishers of numbers 207-215 and

217–221 by Prime Minister's Office and Ministry for Home Affairs Ordinance No 11, November 25, 1947.

(30) Addition to "Appended List"—(2)—Book and Magazine Publishers of Yosei Jihyo-Sha (Current Justice Guardian Co) by Prime Minister's Offices Ordinance No 20, April 2, 1948

Appendix II

(31) Paragraph 2—change from Imperial Diet to National Diet by Prime Minister's Office and Home Ministry Order No 4, July 2, 1947

(32) Paragraph 2 revised by Cabinet Order No 32, February 9, 1948

(33) Paragraph 3—insertion of Public Office Qualifications Examination Committee—by Cabinet and Home Ministry Ordinance No. 3, March 3, 1947

(34) Paragraph 4—(a) substitution of To, Do, Fu, Ken Chiji for Chiho Chokan and addition of deputy governor, treasurer and deputy-treasurer—by Prime Minister's Office and Home Ministry Order No 4, July 2, 1947
(b) addition of assembly member of ward in Tokyo —by Cabinet and Home Ministry Ordinance No 3, March 3, 1947

(35) Paragraph 6—(a) deletion of former paragraph 6 (Chonaikai, Burakukai) and former paragraph 7 changed to paragraph 6—by Cabinet and Home Ministry Ordinance No 3, March 3, 1947
(b) deletion of Kokusai Denki Tsushin K K (International Electric and Communications Co , Ltd)—by Premier Board and Home Ministry Ordinance No 1, May 3, 1947

(36) Paragraph 7—change of number by Cabinet and Home Ministry Ordinance No 3, March 3, 1947

(37) Paragraph 8—change of number and deletion of reference to local level of Gyogyo Kai (12)—Cabinet and Home Ministry Ordinance No 3, March 3, 1947

(38) Paragraph 9—(a) change of number by Cabinet and Home Ministry Ordinance No 3, March 3, 1947
(b) changes in information media companies by Cabinet and Home Ministry Ordinance No 6, March 27, 1947 and Prime Minister's Office and Home Ministry Ordinance No. 5, July 31, 1947

(39) Addition to paragraph 9 (b) of numbers 214–259 by Prime Minister's Office and Ministry for Home Affairs Ordinance No 7, September 4, 1947

(40) Paragraph 10—change of number by cabinet and Home Ministry Ordinance No 3, March 3, 1947

(41) Paragraph 10—addition of numbers 1–16, 18–30 and 32–36 by Prime Minister's Offices Ordinance No 11, February 9, 1948, items 17 and 31 added by Prime Minister's Offices Ordinance No 32, June 23, 1948

(42) Paragraph 11—(a) change of number by Cabinet and Home Ministry Ordinance No 3 March 3, 1947.
(b) deletion of securities companies and Sanwa Ginko and addition of Hayashikano Shoten K K and Toyo Bearing Seizo K K —by Prime Minister's Office and Home Ministry Ordinance No. 5, July 31, 1947.
(c) addition of Kokusai Denki Tsushin K K (International Electric and Communications Co , Ltd) and Nippon Denshin and Denwa Koji K K (Japan Cable and Telephone Construction Co)—by Premier Board and Home Ministry Ordinance No 1, May 3, 1947

(43) Paragraph 12—(a) change of number by Cabinet and Home Ministry Ordinance No 3, March 3, 1947
(b) addition of securities companies and Sanwa Ginko—by Prime Minister's Office and Home Ministry Ordinance No 5, July 31, 1947.

Appendix III

(44) Paragraph 3—Central screening for all members of P O Q E C —by Cabinet and Home Ministry Ordinance No 3, March 3, 1947.

(45) Paragraph 4—central government officials of the second grade to be screened by central committee —by Prime Minister's Office and Home Ministry Order No 4, July 2, 1947.

(46) Paragraph 6—deletion of former paragraph 6 (Chonaikai, Burakukai). former paragraph 7 changed to paragraph 6. and prefectural screening for all of public office of Shokuryo Eidan of prefectural level—by Cabinet and Home Ministry Ordinance No. 3, March 3, 1947.

(47) Paragraphs 7–12—change in numbering by Cabinet and Home Ministry Ordinance No 3, March 3, 1947

(48) Revised Form Number 2 (certificate of eligibility) —by Cabinet and Home Ministry Ordinance No 3, March 3, 1947.

Appendix IV

(49) Appendix IV added by Cabinet Order No 237, November 7, 1947

List of Amendment Process of Ordinances

Imperial Ordinance No. 1 of 1947

Date of amendment	No.
March 12, 1947	Imperial Ordinance No. 77
July 2, 1947	Cabinet Order No. 119
November 7, 1947	Cabinet Order No. 237
December 27, 1947	Cabinet Order No. 288
February 9, 1948	Cabinet Order No. 32
March 27, 1948	Cabinet Order No. 62
July 1, 1948	Cabinet Order No. 145

Cabinet and Ministry for Home Affairs Ordinance No. 1

Date of amendment	No.
March 3, 1947	Cabinet and Ministry for Home Affairs Ordinance No. 3
March 11, 1947	Cabinet and Ministry for Home Affairs Ordinance No. 4
March 27, 1947	Cabinet and Ministry for Home Affairs Ordinance No. 6
April 11, 1947	Cabinet and Ministry for Home Affairs Ordinance No. 8
May 3, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 1
June 30, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 3
July 2, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 4
July 31, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 5
August 2, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 6
September 4, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 7
September 17, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 8
October 13, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 9
November 7, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 10
November 25, 1947	Prime Minister's Office and Ministry for Home Affairs Ordinance No. 11
February 9, 1948	Prime Minister's Office Ordinance No. 11
March 18, 1948	Prime Minister's Office Ordinance No. 19
April 2, 1948	Prime Minister's Office Ordinance No. 20
June 23, 1948	Prime Minister's Office Ordinance No. 32

GENERAL MacARTHUR'S COMMENT ON NEWSWEEK ARTICLE ENTITLED "BEHIND THE JAPANESE PURGE—AMERICAN MILITARY RIVALRIES," PUBLISHED JANUARY 27, 1947

"The article contained in the January 27th issue of the magazine "Newsweek," in an attack upon the basic con- [illegible] occupation to 'prohibit the retention in or selection for positions of important responsibility or influence in industry, finance, commerce or agriculture of all persons who have been active exponents of militant nationalism or aggression, and of any who do not direct future Japanese economic effort solely towards peaceful ends' In the absence of evidence to the contrary, he was directed *to 'assume that any persons who have held key positions* of high responsibility since 1937 in industry, finance, commerce, and agriculture have been active exponents of militant nationalism and aggression' and to 'remove and exclude from positions of important responsibility or influence in all public and private financial institutions, agencies or organizations all persons who have been active exponents of militant nationalism and aggression,' it to be 'generally assumed, in absence of evidence to the contrary, that any persons who have held key positions in any such institutions, agencies or organizations are active exponents of militant nationalism and aggression' He was also directed to 'prevent the retention in or selection for places of importance in the financial field of individuals who do not direct future financial effort solely towards peaceful ends'

"In the implementation of the above directive, I used the normal discretion of a field commander in the matter of both details and timing, having due regard to the exigencies of the local situation both in its economic and political aspects The details have been under study by the responsible staff sections, in collaboration with the appropriate officials of the Japanese Government, from the beginning

"While there have been natural differences of views on detail, throughout there has been complete unity of purpose by the staff sections concerned, and every decision has been personally made by me I have aggressively furthered this objective, not alone because to do so is in *compliance with the basic directive by which my course* of action as Supreme Commander is bound, but because any other course would be to ignore those very causes which led the world into war, and by so doing to invite the recurrence of future war

"It was these very persons, born and bred as feudalistic overlords, who held the lives and destiny of the majority [illegible] This, to the end that a large part of the earth's surface and inhabitants might be brought under the same economic bondage they had so long maintained over a majority of the Japanese people—and that Japan might weld from conquered nations and peoples of the world a vast totalitarian economic Empire, designed further to enrich them Those are the persons who, under the purge, are to be removed from influencing the course of Japan's future economy

"Petitions and letters have been received by the thousands from the people of Japan calling for the extension of the purge to which "Newsweek" objects, and since its announcements the press of Japan has been practically unanimous in applauding its purpose The only dissenting views thus far heard are from that small minority to be adversely affected by its application, such as the anonymous Japanese sources which are quoted in the article's support

"The details of the purge program have been carefully evolved so as not to disturb the ordinary businessman, nor the technicians whose skill and brains did not influence formulation of the policy which directed Japan's course toward aggressive war It is fantastic that this action should be interpreted or opposed as antagonistic to the American ideal of capitalistic economy. In my opinion, and I believe in the opinion of truly responsible Japanese as well, the action will not unduly disturb the development of a future peaceful industrial economy. But even if this should prove not the case—even if, as "Newsweek" avers, this cleansing of the economy of Japan of undesirable infuence is destined seriously to handicap industrial revival for lack of essential leadership—or even if such revival is wholly impossible without the guidance of those several thousand persons in- [illegible] resources—then, in that event *the interests of those other* hundreds of millions of people who want and seek peace leave no alternative than that Japan must bear and sustain the consequences, even at the expense of a new economy geared down to the capabilities remaining."

Imperial Ordinance No. 65 of 1947

APPEALS PROCEDURE

1 March 1947.

Article I. Any person who has been designated as falling under the Memorandum in accordance with the provisions of Imperial Ordinance No. 109 of 1946 or of Imperial Ordinance No. 1 of 1947, may, in the event he feels that an error has been made in his case and that he can submit proof thereof, file an appeal for a rescission of designation to the Prime Minister.[1]

The Prime Minister, upon acceptance of the appeal prescribed in the preceding paragraph, may, on the basis of the findings and recommendations of the Public Office Qualifications Appeal Board, rescind the designation.

Article II. Any person who intends to appeal in pursuance of the provisions of paragraph 1 of the preceding Article shall submit a letter of appeal to the Prime Minister, stating clearly reasons for justification of his case and together with relevant documents for evidence.

In case the appellant has been designated as falling under the Memorandum by the Prefectural Governor, the letter of appeal prescribed in the preceding paragraph shall be submitted through the Prefectural Governor. In this case, upon acceptance of documents pertaining to the appeal, the Prefectural Governor concerned shall forward them immediately, together with statement of his opinion and the questionnaire of the appellant, to the Prime Minister.

The Prime Minister, upon acceptance of documents pertaining to the appeal, shall forward them immediately together with a statement of his opinion concerning the case prescribed in the preceding paragraph, the statement of the Prefectural Governor and the questionnaire of the appellant, to the Public Office Qualifications Appeal Board.

Article III. The appeal prescribed in Article I, paragraph 1 above shall be filed within three months from the day of designation as falling under the Memorandum.

Validity of designation as falling under the Memorandum shall not be affected by filing of the appeal prescribed in Article I, paragraph 1 above.

Article IV. The rescission of designation as falling under the Memorandum shall be effected by notification of the Prime Minister to the appellant.

In case the designation be rescinded, the designation shall lose its validity from the day of its rescission. In this case, the provisions of Article V, paragraph 1, of the Imperial Ordinance No. 1 of 1947 (including corresponding provisions of Imperial Ordinance No. 109 of 1946 replaced by the former Imperial Ordinance) shall be deemed as not having been applied.

Article V. The Prime Minister, when he effects the rescission or takes other necessary actions on the basis of consequence of examination by the Public Office Qualifications Appeal Board, shall publish them immediately.

Article VI. Any person who has submitted the statement of reasons or documents prescribed in Article II above containing false entry or entry lacking full and complete disclosure shall be liable to the penal servitude of not more than three years or to a fine of not more than ¥15,000. Any person who has been requested to present materials or an explanation of facts who fails to do so or who submits materials containing false information or lacking full and complete disclosure of facts on relevant or material matters shall be likewise liable to the same punishment.

Supplementary Rule

The Present Imperial Ordinance shall come into force on the day of its promulgation.

The period prescribed in the Article II, paragraph 1, above shall with persons who have been designated as falling under the Memorandum prior to the issuance of this Imperial Ordinance, be three months from the date of its promulgation.

[1]Deletion of requirement that person be "removed or barred from appointment or election to a position in the public service" as a consequence of his designation before he shall file an appeal—by Cabinet Order No. 136, July 15, 1947.

IMPERIAL ORDINANCE No 66 OF 1947

REGULATIONS ON ORGANIZATION OF PUBLIC OFFICE QUALIFICATIONS APPEAL BOARD

1 March 1947

Article I The Public Office Qualifications Appeal Board shall, under the supervision of the Prime Minister, conduct examinations necessary for rescission of designation as falling under the Memorandum in purusance of the provisions of the Imperial Ordinance No 65 of 1947.

Article II The Board shall be composed of not more than seven members

In case it is found necessary for examining special matters, temporary members may be appointed, provided that they shall not vote in a final decision of the Board.

Article III The Chairman shall be appointed from among members

Members and temporary members shall be appointed by the Cabinet

Article IV. A quorum of five members including the chairman is required for holding a session of the Board

Final decisions of the Board shall be made by a majority of the members present provided they constitute a quorum including the chairman

The Chairman shall vote on all issues and in the event of a tie, the chairman shall cast a second and deciding vote.

Article V In case of necessity for examination, the Board may request from the Prime Minister or from the [illegible] cerned to present necessary materials or to give explanations of facts

Article VI The Chairman, members or temporary members shall not disclose any information concerning matters connected with the official duties of the Board, except for information released by the Prime Minister

Article VII In order to deal with miscellaneous matters, the Public Office Qualifications Appeal Board shall have a Secretariat The Secretariat shall be composed of the following personnel

- Chief Secretary,
- Secretariat Member
- Prime Minister's Office Secretaries
  - Second Grade (Full Time)—6—Two of whom may be filled with First Grade Official
  - Third Grade (Full Time)—5

Chief Secretary shall be appointed or commissioned by the Prime Minister from among the first-grade officials prescribed in the preceding paragraph, or person of knowledge and experience

Chief Secretary shall supervise administration of Secretariat's works under the direction of the Chairman of the Appeal Board

Secretariat members shall be filled with the Prime Minister's Office Secretaries mentioned in paragraph 2 above.

Besides those mentioned in the preceding paragraph, Secretariat members may be appointed or commissioned from among government officials of each ministry concerned or person of knowledge and experience [1]

Article VIII. The procedure of examination and other necessary matters relating to the affairs of the Board shall be determined by the Chairman

Supplementary Rule

The present Imperial Ordinance shall come into force as from the day of its promulgation

[1]Article VII added by Cabinet Order No 163, 23 August 1947

CABINET ORDER 62

CABINET ORDER CONCERNING ABOLITION OF PUBLIC OFFICE QUALIFICATIONS EXAMINATION COMMITTEE AND PUBLIC OFFICE QUALIFICATIONS APPEAL BOARD

27 March 1948.

Article I. The Public Office Qualifications Examination Committee and the Public Office Qualifications Appeal Board shall be abolished after 10 May 1948, the designation of persons who fall under the provisions of the Memorandum in accordance with the Imperial Ordinance No. 1 of 1947 (Imperial Ordinance Concerning Removal and Exclusion from Public Service of Undesirable Personnel) having been completed except for inadvertencies.

After the abolition of the two committees as prescribed in the preceding paragraph, the affairs as related to the Public Office Qualifications Appeal Board shall be handled by the Prime Minister and the affairs as related to the Public Office Qualifications Examination Committee shall be handled by the Prime Minister or Prefectural Governor in the Imperial Ordinance No. 1 of 1947, Article IV, paragraph 1.

Article II. The letter of appeal under the Imperial Ordinance No. 65 of 1947 (Imperial Ordinance Concerning Petition for Cancellation of Designation) shall be filed by 15 April 1948, and no letter of appeal arriving at the Prime Minister's Office thereafter shall be accepted.

Supplementary Provisions

Article III. This Cabinet Order shall come into effect as from 15 April 1948.

Article IV. The Imperial Ordinance concerning Organization of Public Office Qualifications Examination Committee and the Imperial Ordinance concerning Organization of Public Office Qualifications Appeal Board shall be abolished after 10 May 1948.

Article V. The Imperial Ordinance No. 65 of 1947 concerning the petition for cancellation of the Designation shall be abolished after 10 May 1948 provided that the penal provisions shall be applied as heretofore to the offence committed prior to its abolition.

GENERAL SUMMARY OF PURGE STATISTICS

Category	Number screened	Passed	Barred	Removed	Purged by provisional designation	Reinstated	Number remaining purged
tegory A (War Criminal Suspects)							(1)
tegory B (Career Military)	2,097	16	39	2,042	113,337	2	115,416
[illegible]					3,066	4	3,062
					33,573	1	33,572
	51	8	31	12	391	3	431
					43		43
[illegible]	715,267	708,610	3,123	3,534	42,770	136	49,291
a Economic	6,951	6,312	186	453	914	18	1,535
b Public Information Media	1,328	1,104	71	153	857	25	1,056
c Ex-Servicemen's Association					39,732		39,732
d Miscellaneous Others (including Special Higher Police, Rec. Candidates, BUTOKUKAI, etc)	706,988	701,194	2,866	2,928	1,267	93	6,968
Total	717,415	708,634	3,193	5,588	193,180	146[2]	201,815

[1]All war criminals were finally designated under other categories and have been so listed to avoid duplication of statistics

[2]Of these 3 were purged in 1946 and were reinstated as a result of rescreening in 1947

STICS

screened

er ed	Number removed	Number reinstated	N[illegible] re[illegible]
753	3,634	54	
6	134		
4	8		
2	124	...	
.....	2	...	
......	18		
......	18		
......	....		
......	....		
10			
7			
3			
....			
231			
8			
73			
150			

Appendix B: 5n

CABIN

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Article I. T

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c. 3rd Class Officials	....	....	....			
7. Education Ministry	2,590	2,493	19			
a. 1st Class Officials	2,554	2,493	18	4[illegible]		
b. 2nd Class Officials	16	....	1	15	......	
c. 3rd Class Officials	20	....	....	20	....	
8. Welfare Ministry	2,256	1,752	....	504	....	50[illegible]
a. 1st Class Officials	177	152	....	25	....	25
b. 2nd Class Officials	1,664	1,351	....	313	....	313
c. 3rd Class Officials	415	249	....	166	....	166
9. Agriculture and Forestry Ministry	6,178	6,165	....	13	....	13
a. 1st Class Officials	166	154	....	12	....	12
b. 2nd Class Officials	6,010	6,009	....	1	....	1
c. 3rd Class Officials	2	2	....	....	....	....
10. Commerce and Industry Ministry	2,086	2,048	4	34	1	37
a. 1st Class Officials	144	129	3	12	1	14
b. 2nd Class Officials	1,923	1,913	1	9	....	10
c. 3rd Class Officials	19	6	....	13	....	13
11. Transportation Ministry	5,883	5,831	2	50	....	52
a. 1st Class Officials	296	283	2	11	....	13
b. 2nd Class Officials	5,566	5,543	....	23	....	23
c. 3rd Class Officials	21	5	....	16	....	16
12. Communications Ministry	3,816	3,722	34	60	....	94
a. 1st Class Officials	92	88	1	3	....	4
b. 2nd Class Officials	3,638	3,633	....	5	....	5
c. 3rd Class Officials	86	1	33	52	....	85
13. Labor Ministry	667	667	....	....	....	....
a. 1st Class Officials	2	2	....	....	....	....

	Number screened	Number passed	Number barred	Number removed	Number reinstated	Number remaining purged
b 2nd Class Officials	665	665				
c 3rd Class Officials						
14 Central Government Committees	1,345	1,342	3			3
15 Public Office Qualifications Committees	1,005	1,004	1			1
16 Prefectural Officials						
17. Members of Political Parties	21	15	4	2		6
18 Kodans	434	434				
19 Economic Organizations	6,951	6,312	186	453	13	626
a Paragraph 6 Companies	2,855	2,755	5	95	1	99
Financial Organizations	271	258		13	1	12
Aircraft Companies						
Munitions Companies	213	208		5		5
Iron and Steel Companies	48	46		2		2
Heavy Industries Companies						
Chemical Companies	32	31		1		1
Transportation Companies	976	953	2	21		23
Communications Companies	47	45		2		2
Mining Companies	209	197	3	9		12
All Others	1,059	1,017		42		42
b Paragraph 7 Companies	843	802		41		41
Financial Organizations						
Aircraft Companies						
Munitions Companies						
Iron and Steel Companies						
Heavy Industries Companies						
Chemical Companies.						
Transportation Companies						
Communications Companies						
Mining Companies						
All Others	843	802		41		41
c Paragraph 8 Companies	911	848	5	58	3	60
Financial Organizations	92	90		2		2
Aircraft Companies						
Munitions Companies	106	96	2	8		10
Iron and Steel Companies	3	3				
Heavy Industries Companies						
Chemical Companies	27	27				
Transportation Companies	102	94	1	7	1	7
Communications Companies	15	15				
Mining Companies	24	21		3		3
All Others	542	502	2	38	2	38
d. Paragraph 11A Companies	1,770	1,429	137	204	9	332
Financial Organizations	275	228	13	34	2	45
Aircraft Companies	25	13	11	1		12
Munitions Companies	410	337	25	48	1	72
Iron and Steel Companies	60	48	5	7		12
Heavy Industries Companies	48	43	3	2		5
Chemical Companies	139	112	17	10		27
Transportation Companies	160	138	8	14		22
Communications Companies	48	27		13	1	20
Mining Companies	98	73	13	12		25
All Others	507	410	4	63	5	92

	Number screened	Number passed	Number barred	Number removed	Number reinstated	Number remaining purged
e. Paragraph 11B Companies	136	63	39	34	....	93
Financial Organizations	1	....	1	....	....	1
Aircraft Companies	1	....	1	....	....	1
Munitions Companies	41	27	5	9	....	14
Iron and Steel Companies	19	13	3	3	....	6
Heavy Industries Companies	17	8	1	8	....	9
Chemical Companies	5	....	3	2	....	5
Transportation Companies	2	....	2	....	....	2
Communications Companies	3	....	3	....	....	3
Mining Companies	20	7	9	4	....	13
All Others	27	8	11	8	....	19
f. Paragraph 12 Companies	436	415	....	21	....	21
Financial Organizations	196	188	....	8	....	8
Aircraft Companies	10	9	....	1	....	1
Munitions Companies	45	42	....	3	....	3
Iron and Steel Companies	....	....	....	....	....	....
Heavy Industries Companies	....	....	....	....	....	....
Chemical Companies	33	32	....	1	....	1
Transportation Companies	26	24	....	2	....	2
Communications Companies	....	....	....	....	....	....
Mining Companies	7	7	....	....	....	....
All Others	119	113	....	6	....	6
20. Public Information Media Organizations	1,328	1,104	71	153	15	209
a. Government Information Media Control Agencies	....	....	....	....	....	....
b. Officials of Newspaper Companies and News Agencies	595	468	42	85	7	120
c. Book and Magazine Publishers	640	571	14	55	7	62
d. Motion Picture and Theatrical Companies	73	50	11	12	1	22
e. Broadcasting Corporations	20	15	4	1	....	5
f. Writers	....	....	....	....	....	....
21. Others	3,900	2,404	181	1,315	18	1,478
B. Local Government	351,971	349,736	462	1,773	31	2,204
1. 1st Class Officials	16	16	....	....	....	....
2. 2nd Class Officials	4,301	3,380	....	921	....	921
3. 3rd Class Officials	19,921	19,875	....	46	....	46
4. Members of Political Parties	8,034	8,021	6	7	....	13
5. Others	319,699	318,444	456	799	31	1,224
Persons Screened for Elective Positions:						
A. Central Government	8,627	8,314	266	47	18	295
1. House of Representatives	3,931	3,731	178	22	13	187
2. House of Councillors	1,439	1,381	49	9	3	55
3. Governors	450	412	37	1	1	37
4. Mayors of Principal Cities	43	42	1	....	....	1
5. Prefectural Assemblies	2,499	2,485	1	13	1	13
6. Others	265	263	....	2	....	2
B. Local Government	299,429	297,583	1,712	134	5	1,841
1. Headmen and Assistant Headmen	44,187	43,947	206	34	....	240
2. Others	255,242	253,636	1,506	100	5	1,601
Grand total	717,415	708,634	3,193	5,588	108	8,673

SUMMARY OF PURGE STATISTICS BY CATEGORIES

Category	Number screened	Number passed	Number barred	Number removed	Number reinstated	Total remaining purged
Category A: Suspected War Criminals	.. .			.	. ...	......
Category B	2,097	16	39	2,042		2,081
1 Career Army officers.	1,287	4	22	1,261		1,283
a. Generals						..
b Lt. Generals	9		1	8		9
c Major Generals	2			2		2
d. Brig Generals						..
e Colonels	118		2	116		118
f Lt Colonels	254		3	251		254
g Majors	478		9	469		478
h Captains	248	1	4	243		247
i 1st Lt	137	1		136		136
j 2d Lt	41	2	3	36		39
2 Chokunin Rank Officials of the War Ministry		.				..
3 Career Navy officers	804	12	17	775		792
a Fleet Admirals				..		.
b Admirals	1			1		1
c Vice Admirals	1			1		1
d Rear Admirals	6	..	.	6	.	6
e Captains	83		4	79		83
f Commanders	104	..	1	103		104
g Lt. Commanders	159	.	1	158		159
h. Lieutenants	342	1	11	330		341
i. Ensigns	108	11	..	97	.	97
4 Chokunin rank officials of the Navy Ministry			..	..		.
5 Members of Kempei Tai	6			6	.	6
a Commissioned Officers	2			2		2
b Enlisted Men	4	.		4		4
c Civilian Employes						..
6 Members of Tokumu Bu				.		
a Commissioned Officers						
b Enlisted Men						
c Civilian Employes					. .	
Category C					.	
1. Founders, Officers, and Influential Members				.	..	
2 Editors of any Publications			.		..	
3 Substantial Financial Contributors						
Category D				..	.	
1 Political Assn of Great Japan			.			
a National Level						
b Local Level		.		..	.	.. ..
2. Imperial Rule Assistance Assn		. .		.	.	..
a National Level	.		.	....	.	.. ...
b Local Level			.			. .

Category	Number screened	Number passed	Number barred	Number removed	Number reinstated	Total remaining purged
3. Imp. Rule Assist. Youth Assn.	....	....	....	....	....	....
a. National Level	....	....	....	....	....	....
b. Local Level	....	....	....	....	....	....
4. Council for Estab. I.R.A.P.S.	....	....	....	....	....	....
a. National Level	....	....	....	....	....	....
b. Local Level	....	....	....	....	....	....
5. Other Affiliates of IRAA	....	....	....	....	....	....
a. National Level	....	....	....	....	....	....
b. Local Level	....	....	....	....	....	....
Category E	51	8	31	12	1	42
1. Financial Organizations	34	8	14	12	1	25
2. Development Organizations	17	....	17	....	....	17
Category F	....	....	....	....	....	....
1. Manchukuo	....	....	....	....	....	....
a. Military Administrators	....	....	....	....	....	....
b. Others	....	....	....	....	....	....
2. China	....	....	....	....	....	....
a. Military Governors	....	....	....	....	....	....
b. Others	....	....	....	....	....	....
3. Korea	....	....	....	....	....	....
a. Military Administrators	....	....	....	....	....	....
b. Others	....	....	....	....	....	....
4. Other Occupied Areas	....	....	....	....	....	....
a. Military Governors or Admin.	....	....	....	....	....	....
b. Others	....	....	....	....	....	....
Category G	715,267	708,610	3,123	3,534	107	6,550
1. Economic Organizations	6,951	6,312	186	453	13	626
a. Paragraph 6 Companies	2,855	2,755	5	95	1	99
Financial Organizations	271	258	....	13	1	12
Aircraft Companies	....	....	....	....	....	....
Munitions Companies	213	208	....	5	....	5
Iron and Steel Companies	48	46	....	2	....	2
Heavy Industries Companies	....	....	....	....	....	....
Chemical Companies	32	31	....	1	....	1
Transportation Companies	976	953	2	21	....	23
Communications Companies	47	45	....	2	....	2
Mining Companies	209	197	3	9	....	12
All Others	1,059	1,017	....	42	....	42
b. Paragraph 7 Companies	843	802	....	41	....	41
Financial Organizations	....	....	....	....	....	....
Aircraft Companies	....	....	....	....	....	....
Munitions Companies	....	....	....	....	....	....
Iron and Steel Companies	....	....	....	....	....	....

Category	Number screened	Number passed	Number barred	Number removed	Number reinstated	Total remaining purged
Heavy Industries Companies						
Chemical Companies						
Transportation Companies						
Communications Companies						
Mining Companies						
All Others	843	802		41		41
c. Paragraph 8 Companies	911	848	5	58	3	60
Financial Organizations	92	90		2		2
Aircraft Companies						
Munitions Companies	106	96	2	8		10
Iron and Steel Companies	3	3				
Heavy Industries Companies						
Chemical Companies	27	27				
Transportation Companies	102	94	1	7	1	7
Communications Companies	15	15				
Mining Companies	24	21		3		3
All Others	542	502	2	38	2	38
d. Paragraph 11A Companies	1,770	1,429	137	204	9	332
Financial Organizations	275	228	13	34	2	45
Aircraft Companies	25	13	11	1		12
Munitions Companies	410	337	25	48	1	72
Iron and Steel Companies	60	48	5	7		12
Heavy Industries Companies	48	43	3	2		5
Chemical Companies	139	112	17	10		27
Transportation Companies	160	138	8	14		22
Communications Companies	48	27	8	13	1	20
Mining Companies	98	73	13	12		25
All Others	507	410	34	63	5	92
e. Paragraph 11B Companies	136	63	39	34		73
Financial Organizations	1		1			1
Aircraft Companies	1		1			1
Munitions Companies	41	27	5	9		14
Iron and Steel Companies	19	13	3	3		6
Heavy Industries Companies	17	8	1	8		9
Chemical Companies	5		3	2		5
Transportation Companies	2		2			2
Communications Companies	3		3			3
Mining Companies	20	7	9	4		13
All Others	27	8	11	8		19
f. Paragraph 12 Companies	436	415		21		21
Financial Organizations	196	188		8		8
Aircraft Companies	10	9		1		1
Munitions Companies	45	42		3		3
Iron and Steel Companies						
Heavy Industries Companies						
Chemical Companies	33	32		1		1
Transportation Companies	26	24		2		2
Communications Companies						
Mining Companies	7	7			...	...

SUMMARY OF PURGE STATISTICS BY CATEGORIES

Category	Number provisionally designated	Number counter-evidence received	Number passed	Number finally designated
Category A Suspected War Criminals				
Category B	122,445	10,027	9,108	113,337
1. Career Army Officers	54,185	5,738	5,238	48,947
a. Generals	33			33
b. Lt Generals	636			636
c. Major Generals	1,433			1,433
d. Brig Generals				
e. Colonels	4,664	12	10	4,664
f. Lt. Colonels	4,046	19	15	4,031
g. Majors	11,731	454	418	11,313
h. Captains	15,538	1,921	1,848	[illegible]
i. 1st Lt	9,529	1,098	1,197	7,962
j. 2d Lt	6,815	1,634	1,339	5,476
2. Chokunin Rank Officials of the War Ministry	45	3		45
3. Career Navy Officers	26,992	3,145	2,863	24,119
a. Fleet Admirals	21			21
b. Admirals	9			9
c. Vice Admirals	333			333
d. Rear Admirals	669	1		669
e. Captains	2,281	17	11	2,270
f. Commanders	1,383	25	21	1,372
g. Lt. Commanders	2,826	157	145	2,681
h. Lieutenants	14,835	2,358	2,266	12,572
i. Ensigns	4,622	600	386	4,262
4. Chokunin Rank Officials of the Navy Ministry	225	4	2	223
5. Members of Kempei Tai	[illegible]	[illegible]	996	[illegible]
a. Commissioned Officers	[illegible]	222		[illegible]
b. Enlisted Men	[illegible]	[illegible]	996	[illegible]
c. Civilian Employees				
6. Members of Tokumu Bu	43			43
a. Commissioned Officers	43			43
b. Enlisted Men				
c. Civilian Employees				
7. Members of Tokumu Kikan	[illegible]	[illegible]	4	[illegible]
a. Commissioned Officers	[illegible]	[illegible]		[illegible]
b. Enlisted Men	[illegible]	[illegible]	[illegible]	[illegible]
c. Civilian Employees	[illegible]	[illegible]	[illegible]	[illegible]
Category C	[illegible]	[illegible]	[illegible]	[illegible]
Founders, Officers and Influential Members				
Editors of any Publications				
Substantial Financial Contributors				
Category D	[illegible]	[illegible]	[illegible]	[illegible]
1. Political Assn. of Great Japan	[illegible]	[illegible]		[illegible]
a. National Level	[illegible]			[illegible]
				[illegible]

Category	Number provisionally designated	Number counter-evidences received	Number passed	Number finally designated
b. Paragraph 7 Companies				
Financial Organizations				
Aircraft Companies				
Munitions Companies				
Iron and Steel Companies				
Heavy Industries Companies				
Chemical Companies				
Transportation Companies				
Communications Companies				
Mining Companies				
All Others				
c Paragraph 8 Companies				
Financial Organizations				
Aircraft Companies				
Munitions Companies				
Iron and Steel Companies				
Heavy Industries Companies				
Chemical Companies				
Transportation Companies				
Communications Companies				
Mining Companies				
All Others				
d Paragraph 11A Companies	681	60	15	666
Financial Organizations	109	7	2	107
Aircraft Companies	17	1		17
Munitions Companies	157	12	7	150
Iron and Steel Companies	26	1		26
Heavy Industries Companies	24			24
Chemical Companies	64	12	4	60
Transportation Companies	67	1		67
Communications Companies	10	3		10
Mining Companies	49	4		49
All Others	158	19	2	156
e Paragraph 11B Companies	255	24	7	248
Financial Organizations	6			6
Aircraft Companies	19	2	1	18
Munitions Companies	42	5		42
Iron and Steel Companies	16	2		16
Heavy Industries Companies	3			3
Chemical Companies	15			15
Transportation Companies	24	2	1	23
Communications Companies	6	1		6
Mining Companies	45	3	1	44
All Others	79	9	4	75
f Paragraph 12 Companies				
Financial Organizations				
Aircraft Companies				
Munitions Companies				
Iron and Steel Companies				

6 DECONCENTRATION OF ECONOMIC POWER

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 004 (6 Nov 45) ESS/ADM
(SCAPIN 244)

6 November 1945

Memorandum for. Imperial Japanese Government
Through: Central Liaison Office, Tokyo
Subject Dissolution of Holding Companies

1 Receipt of the proposed plan for the dissolution of Mitsui Honsha, Yasuda Hozensha, Sumitomo Honsha, and Kabushiki Kaisha Mitsubishi Honsha is acknowledged

2 The plan proposed therein is approved in general and the Imperial Japanese Government will immediately proceed to effectuate it *No disposition of any property transfered to the Holding Company* Liquidation Commission will be made without the prior approval of the Supreme Commander You will submit legislation through which the Holding Company Liquidation Commission will be created to the Supreme Commander for approval It should be clearly understood that full freedom of action is retained by the Supreme Commander for the Allied Powers to elaborate or modify the proposed plan at any time and to supervise and review its execution

3 The Imperial Japanese Government will immediately take such steps as are necessary effectually to prohibit the sale, gift, assignment or transfer of any moveable or immoveable property, including securities and other evidences of ownership, indebtedness or control by Mitsui Honsha, Yasuda Hozensha, Sumitomo Honsha, and Kabushiki Kaisha Mitsubishi Honsha and the members of the Mitsui, Iwasaki, Yasuda, and Sumitomo families or by any person acting in their behalf

4. The Imperial Japanese Government will deliver to the Supreme Commander for the Allied Powers, within fifteen days of the receipt of this memorandum a report listing·

[illegible]

b All transactions involving moveable or immoveable property, including securities and other evidences of ownership, indebtedness and control by any member of the Mitsui, Iwasaki, Yasuda, and Sumitomo families since January 1st, 1945

5 It is the intention of the Supreme Commander to dissolve the private industrial, commercial, financial, and agricultural combines in Japan, and to eliminate undesirable interlocking directorates and undesirable intercorporate security ownership so as to.

a. Permit a wider distribution of income and of ownership of the means of production and trade

b Encourage the development within Japan of economic ways and institutions of a type that will contribute to the growth of peaceful and democratic forces The plan proposed by the Imperial Japanese Government in the memorandum referred to in Paragraph 1 above will be considered only as a preliminary step toward these objectives.

6 Accordingly, the Imperial Japanese Government will promptly present for approval by the Supreme Commander for the Allied Powers:

a Plans for the dissolution of industrial, commercial, financial and agricultural combines in addition to those mentioned in the communication acknowledged in Paragraph 1 hereof

b Its program to abrogate all legislative or administrative measures which create, foster or tend to strengthen private monopoly

c Its program for the enactment of such laws as will eliminate and prevent private monopoly and restraint of trade, undesirable interlocking directorates, undesirable intercorporate security ownership and the segregation of Banking from commerce, industry and agriculture and as will provide equal opportunity to firms and individuals to compete in industry, commerce, finance, and agriculture on a democratic basis

7. The Imperial Japanese Government will immediately take such steps as are necessary effectually to terminate and prohibit Japanese participation in private international cartels or other restrictive private intercontracts or arrangements.

8. Acknowledgement of the receipt of this memorandum is directed.

FOR THE SUPREME COMMANDER:

(S) H. W. Allen,
H. W. ALLEN,
Colonel, A.G.D.,
Asst. Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
23 July 1946.

AG 091.3 (23 Jul 46) ESS/AC
(SCAPIN 1079)

Memorandum for: Imperial Japanese Government
Through: Central Liaison Office, Tokyo
Subject: Ordinances and Regulations *Affecting the Holding Company Liquidation* Commission

1 Reference is made to the following

a C[illegible]
Memorandun [illegible]
nance Concer[illegible]
attached final draft of the reference Organization Ordinance,

b Central Liaison Office Memorandum No 2296 (EF), dated 13 May 1946, inclosing two (2) Memoranda from the Ministry of Finance, LO 522, dated 11 May 1946, subject "The Regulations [illegible] Holding Company Liquidation Commission," with attached Articles of Incorporation

2 [illegible] received in compensation beyond the value assigned to such bonds when exchanged for receipts

3. To further implement the program of deconcentration of economic power, and independently of proposals for the enactment of permanent legislation to effectuate such programs the Imperial Japanese Government is directed to take such immediate action as may be necessary, as a minimum, to insure the following.

[illegible]

b Limitation on intercorporate security holdings by Restricted Companies

c Prohibition of multiple directorates in all Restricted Companies except those of a financial nature, where adequate controls will be established

d Prohibition among Restricted Companies of contractual, service or patent arrangements which restrict competition or restrain trade and commerce.

4 The Imperial Japanese Government is, accordingly, directed to submit promptly, in quintuplicate, typed in English on 8" x11" paper, to the Supreme Commander for the Allied Powers, its proposal for carrying out the requirements of paragraphs 2 and 3, above.

[illegible] whose activities are restricted by Memoranda for the Imperial Japanese Government from General [illegible]

6. For the purpose of carrying out the objectives of this Memorandum, direct communication is authorized between the companies concerned and the Economic and Scientific Section, General Headquarters, Supreme Commander for the Allied Powers.

FOR THE SUPREME COMMANDER:

(S) John B. Cooley,
JOHN B. COOLEY
Colonel, AGD,
Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 004 (3 Jul 47) ESS/AC
(SCAPIN 1741)

APO 500
3 July 1947.

Memorandum for Japanese Government
Through Central Liaison Office, Tokyo
Subject Dissolution of Trading Companies.

1 References are

a Memorandum to the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 004 (6 Nov 45) ESS/ADM, (SCAPIN 244), dated 6 November 1945, subject *Dissolution of Holding Companies*

b Memorandum to the Japanese Government from General Headquarters, Supreme Com- [illegible] 1946,

[illegible]

d Letter of Designation from the Prime Minister, dated 28 December 1946, Cabinet A 449

2 In implementation of reference Memoranda and Ordinance, the following action will be taken

a Immediate commencement of dissolution and liquidation of the Mitsubishi Trading Company and the Mitsui Trading Company

[illegible]

after formed

[illegible] to those specified in paragraph c, above, [illegible] Liquidation Commission or such other agencies as may be designated. The Holding Company Liquidation Commission or such other agencies shall grant such permission if it shall conclusively appear that a possibility of recreation of the dissolved companies or other monopolistic combinations shall not result

e Prohibit any trading company in which any officers or employees of both said companies [illegible] office now used or formerly used by either of said companies as [illegible]; the firm name Mitsubishi Trading [illegible] of

[illegible] of all assets shown on

[illegible]

[illegible] such other manner as may be fair and equitable

[illegible] remove any officers of said com- [illegible]

c The Holding Company Liquidation Commission may require the companies to furnish reports and information or inspect any books or records.

4 The Japanese Government shall immediately furnish to the Supreme Commander for the Allied Powers a report of action taken in compliance with this memorandum.

FOR THE SUPREME COMMANDER:

(S) R. M. Levy,
R M. LEVY,
Colonel, AGD,
Adjutant General

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 386.7 (1 Mar 48) CPC/CD
(SCAPIN 1868)

1 March 1948.

Memorandum for: Japanese Government.
Subject: Disposition of Properties Belonging to Dissolved Organizations.

1. Reference is made to the following:

a. Memorandum for the Japanese Government, file AG 386.7, (22 Apr 46)CPC/GPD, SCAPIN 1069-A, 22 April 1946, subject, "Custody of Property of Dissolved Organizations," from General Headquarters, Supreme Commander for the Allied Powers;

b. Memorandum for the Japanese Government, file AG 123, (29 Oct 46)CPC/GP, SCAPIN 2472-A, 29 October 1946, subject, "Funds of Dissolved Organizations," from General Headquarters, Supreme Commander for the Allied Powers;

c. Memorandum for the Japanese Government, file AG 091 (4 Jan 46) GS, SCAPIN 548, 4 January 1946, subject, "Abolition of Certain Political Parties, Associations, Societies and Other Organizations," from General Headquarters, Supreme Commander for the Allied Powers;

d. Memorandum for Ministry of Home Affairs, file 386.7 (1 Jul 47)CPC/GP, 1 July 1947, subject, "Maintenance Expenses of Property Belonging to Dissolved Organizations," from Civil Property Custodian;

e. Memorandum for Ministry of Home Affairs, file 386.7 (22 Sep 47)CPC/GP, 22 September 1947, subject, "Licensing of Properties of Dissolved Organizations," from Civil Property Custodian;

f. The Owner-Farmer Establishment and Special Measures Law, Law No. 43, October 21st, 1946, revised by Law No. 241, December 26th, 1947, together with related Orders and Regulations;

g. The Agricultural Land Adjustment Law, Law No. 67, April 2nd, 1938, revised by Law No. 64, December 28th, 1945, revised by Law No. 42, October 21st, 1946, revised by Law No. 240, December 26th, 1947, together with related Orders and Regulations.

2. Reference memoranda 1a, 1b, 1d and 1e are hereby rescinded.

3. The definition of dissolved organizations as referred to herein are such organizations as defined in reference 1c above.

4. Effective on the date of this memorandum title to all assets, negotiable instruments, accounts receivable, moveable properties, real properties and any other properties or assets belonging to Dissolved Organizations, named in Appendix "A" hereto, and in addition thereto any other organization that falls under the purview of reference 1c above, is transferred to the Japanese Government.

5. The Japanese Government will institute an investigation and will recover: All excessive liquidation expenses, gifts, loans, transfers of monies, investments in successor organizations and grants made that are in excess of ¥10,000. The transfer of any assets, moveable and real properties through sale or otherwise, belonging to these organizations are herewith declared null and void and title to these properties will vest immediately in the Japanese Government. Sales of moveable properties authorized by General Headquarters, Supreme Commander for the Allied Powers, Civil Property Custodian, will remain valid and are therefore exempt from the provisions of this paragraph.

6. The Japanese Government is hereby further directed:

a. To dispose of all properties belonging to Dissolved Organizations through sale;

b. To designate a Sales Agency that will handle the sale of assets belonging to Dissolved Organizations. The Sales Agency so designated by the Japanese Government will be subject to the approval of General Headquarters, Supreme Commander for the Allied Powers, Civil Property Custodian;

c. That all agricultural land, agricultural equipment, agricultural buildings, and other agricultural property vested in the Japanese Government by this directive will be subject to the Agrarian Reform Program as provided in references 1f and 1g, above;

d. That properties and equipment belonging to Dissolved Organizations now being used by hospitals or schools will continue in such use;

e. That only such properties now being used for necessary official governmental purposes, will continue in such use and will not be sold. Dwelling houses now being used by Japanese Govern-

ment officials will be sold to qualified applicants. The Japanese Government will submit to General Headquarters, Supreme Commander for the Allied Powers, Civil Property Custodian, within sixty (60) days from the date of this memorandum a complete report giving the address and type of property to be used for governmental purposes;

f That the Japanese Government will not retain or sell any property selected for reparations or subject to restoration or restitution.

7 The Japanese Government is further directed that the following stipulations will govern the sale of these properties:

a. Properties will not be sold to former officials, directors or influential members of Dissolved Organizations referred to in reference 1c above. Sales will be confined to Japanese nationals only, unless otherwise directed by the Supreme Commander for the Allied Powers,

b Prices for the sale of moveable properties will not be lower than inventory prices nor in [illegible]

[illegible]

approval

8 The Japanese Government is further directed to submit for prior approval the payment of any liability that the Japanese Government has determined to pay out of the funds of Dissolved Organizations

9 The Japanese Government is further directed to establish an account in the Bank of Japan to [illegible]

[illegible]

this account

10 Boeki-Cho is hereby authorized to utilize funds on deposit in the Foreign Trade Yen Account for the implementation of the Import-Export Program with preference to be given the purchase of [illegible]

[illegible]

reports will include

a Type of property recovered, location, value, and from whom recovered;

b Description of property sold, name and address of purchaser and the price received;

c Statement of condition of the Foreign Trade Yen Account in the Bank of Japan showing in detail all income and expenditures

12 Direct correspondence is authorized between the Civil Property Custodian, and the General Accounting Office, Supreme Commander for the Allied Powers, and the Sales Agency.

FOR THE SUPREME COMMANDER

(S) R M Levy,
R. M LEVY,
Colonel, AGD,
Adjutant General

Appendix "A"

List of Organizations referred to in Par. 4 of Memorandum for Japanese Government AG 386.7 (1 Mar 48) CPC/CD, SCAPIN 1868, dtd 1 March 1948:

	Organization	*Date of dissolution*
1.	Aikoku Isshin Kai	25 Feb 46
2.	Aikoku Kai (Sha)	25 Feb 46
3.	Aikyo Juku	25 Feb 46
4.	Aikyo Kai	25 Feb 46
5.	Ajia Tairiku Kyo Kai	25 Feb 46
6.	Chue Honbu Sangyo Hokoku Kai	28 Dec 46
7.	Chuwa Kinno Makato Musubi	25 Feb 46
8.	Dai Choku Kai	25 Feb 46
9.	Daido Juku	25 Feb 46
10.	Dai Nippon Aikoku Yuben Kai	25 Feb 46
11.	Dai Nippon Butoku Kai	9 Nov 46
12.	Dai Nippon Isshin Kai	25 Feb 46
13.	Dai Nippon Kaium Hokoku Kai (Dan)	30 Nov 46
14.	Dai Nippon Keikoku Renmei	25 Feb 46
15.	Dai Nippon Dinno Kai	25 Feb 46
16.	Dai Nippon Konno Doshi Kai	25 Feb 46
17.	Dai Nippon Koa Domei	25 Feb 46
18.	Dai Nippon Kodo Kai	25 Feb 46
19.	Dai Nippon Seisan-to	25 Feb 46
20.	Dai Nippon Sekisei Kai	25 Feb 46
21.	Dai Nippon Shin Ai Kai	25 Feb 46
22.	Dai Nippon Yuko Kai	25 Feb 46
23.	Dai Toa Kensetsu Kokumin Kenkyu Kai Undo	25 Feb 46
24.	Dai Toa Kensetsu Kyo Kai	25 Feb 46
25.	Dai Toa Kyo Kai	25 Feb 46
26.	Dai Toa Meiyu Kai	25 Feb 46
27.	Dai Toa Seinen Tai	25 Feb 46
28.	Dai-to Juku	25 Feb 46
29.	Do Jin Kai	25 Feb 46
30.	Dowa Hospital	25 Feb 46
31.	Essa Shiso Taisaku Kenkyu Kai	27 Mar 47
32.	Fukushima Himorogi Juku	25 Feb 46
33.	Genron Hokoku Kai	25 Feb 46
34.	Genyosha	25 Feb 46
35.	Hokkaido Kokumin Dojo	25 Feb 46
36.	Hyogo Ken-Bunka Fu Jin Kai	16 Apr 47
37.	Ikken Kinno Undo	25 Feb 46
38.	Isshin Juku	25 Feb 46
39.	Isshin Koron Sha	25 Feb 46
40.	Jiken Shori Kenkyu Kai	25 Feb 46
41.	Jikisen Dojo	25 Feb 46
42.	Jikyoku Kondan Kai	25 Feb 46
43.	Jikyoku Kyogi Kai	25 Feb 46
44.	Josai Kai	6 Dec 46
45.	Kai Jin Kai	25 Mar 47
46.	Kai Kosha	30 Aug 46
47.	Kakumei So	25 Feb 46
48.	Kakagara Renmei	1 Apr 47
49.	Kakanawa Romu Kyo Kyo Kai	14 Dec 46
50.	Kamikaze Tokko Kozoku Kai	25 Feb 46

	Organization	Date of dissolution
51	Kenshin Juku	25 Feb 46
52	Kei Jin Kai	6 Dec 46
53	Kikaika Kokubo Kyo Kai	30 Nov 46
54	*Kinjyo Ikuei Kai*	6 Dec 46
55.	Kinkei Gakuin	25 Feb 46
56.	Kinno Gokoku Sha	25 Feb 46
57	Kinno Isshin Domei	25 Feb 46
58	Kinno Makato Musubi	25 Feb 46
59	*Kinno Makato Musubi Ibaragi Chiho*	25 Feb 46
60	Kinno Seinen Domei	25 Feb 46
61	Koa Mekkyo Renmei	25 Feb 46
62	Koa Undo Doshi Kai	25 Feb 46
63	Kodo Isshin Kai (Juku)	25 Feb 46
64	*Kodo Seika Kabushiki Kaisha*	6 Oct 47
65	Kodo Yokusan Seinen Renmei	25 Feb 46
66	Kokoku Doshi Kai	25 Feb 46
67	Kokuryn Kai	25 Feb 46
68	Kokundo Domei	25 Feb 46
69	*Kokumin Seikatsu Kenkyjo*	25 Feb 46
70	Kokusai Hankyo Renmei	25 Feb 46
71	Kokusai Seikei Gaku Kai	25 Feb 46
72	Kokusaku Sha	25 Feb 46
73	Kokusui Domei	25 Feb 46
74	*Kokusui Taishito*	25 Feb 46
75	Kenkusui Taishuto Chuse Shibu	25 Feb 46
76	Kokutai Yogo Rengo Kai	25 Feb 46
77	Komatsu Kinno Makato Musubi	25 Feb 46
78	Kominji Sen Kyogi Kai	25 Feb 46
79.	*Kurashiki-shi Kinno Makato Musubi*	25 Feb 46
80.	Meirin Kai	25 Feb 46
81	Mitate Juku	25 Feb 46
82	Mito Himorogi Juku	25 Feb 46
83	Mizuho Kurabu	25 Feb 46
84	*Musashi Jyutaku Kyo Kai*	6 Dec 46
85	Nagasaki Sesei Kai	25 Feb 46
86	Nano Kai	25 Feb 46
87	Nihon Fukuso Kyo Kai	6 Dec 46
88	Nippon Keito Doshi Kai	25 Mar 47
89	*Nippon Noshi Gakko*	25 Feb 46
90	Nippon Shiso Kenkyu Kai	25 Feb 46
91	Nippon Sumerato	25 Mar 47
92	Noji Shinko Kai	14 May 47
93	Okayama-Chio Jimukyoku Kinno Makato Musubi	25 Feb 46
94	Okayama-shi Kinno Makato Musubi	25 Feb 46
95	Osaka Kozai Kyo Kai	6 Dec 46
96	Otakebi Kai	25 Feb 46
97	Remu Kyo Kai	14 May 47
98	Seiji Kenkyu Kai	25 Feb 46
99	Seikyo Sha	25 Feb 46
100	Seimei Juku	25 Feb 46
101	Seinen Ajia Domei	25 Feb 46
102	Seinen Kakushin to	25 Feb 46
103	Sekai Koka Kai	25 Feb 46
104	Seisen Kansho Kai	25 Feb 46

Organization	Date of dissolution
105. Seisen Meicho Kekumin Undo Sohombu	25 Feb 46
106. Shibayama Juku	25 Feb 46
107. Shinano Himorigi Juku	25 Feb 46
108. Shinno Juku	25 Feb 46
109. Shinshu Juku	25 Feb 46
110. Shinto Juku	25 Feb 46
111. Shishin Juku	25 Feb 46
112. Senjo Koshi Kai	25 Feb 46
113. Sui Kosha	30 Aug 46
114. Taia Takushi Ghiniku	25 Feb 46
115. Taishi Doshi Kai	25 Feb 46
116. Taiko Kai	25 Feb 46
117. Tateyama Juku	25 Feb 46
118. Tenchu Juku	25 Feb 46
119. Tenkan Dai Kisei Kai	25 Feb 46
120. Ten Ko Kai	25 Feb 46
121. Tesshin Kai	25 Feb 46
122. Toa Renmei	25 Feb 46
123. Toa Renmei Doshi Kai	25 Feb 46
124. Toa Shinchitsuzyo Kenkyu Kai	25 Feb 46
125. Toa Shiso Kenkyu Sho	25 Feb 46
126. Toa Shisosen Kenkyu	25 Feb 46
127. Toho Doshi Kai	25 Feb 46
128. Toho Kai	25 Feb 46
129. Toho Seinen Tai	25 Feb 46
130. Toko Kai	25 Feb 46
131. Tokyo Sosei Kai	25 Feb 46
132. Tokyo Rodo Jiji Rengo Kai	14 Dec 46
133. Tenan Asia Minzoku Kaiho Domei	25 Feb 46
134. Toten Juku	25 Feb 46
135. Toten Kai	25 Feb 46
136. Toyama Seinen Yushi Kai	25 Feb 46
137. Tsushima Dojo Kinno Makato Musubi	25 Feb 46
138. Tsuyama Kinno Makato Musubi	25 Feb 46
139. Ukiha Shintosha	25 Feb 46
140. Waki Kinno Makato Musubi	25 Feb 46
141. Yamato Kurabu	25 Feb 46
142. Yamato Musubi	25 Feb 46
143. Yatsuka Kinno Makato Musubi	25 Feb 46
144. Yonezawa Himorigi Juku	25 Feb 46
145. Yushi Juku	25 Feb 46
146. Zen Nippon Kokumin Tokkyo Kai Sohonbu	25 Feb 46
147. Zen Nippon Seinen Kurabu	25 Feb 46
148. Zentuji Sewa Kumiari	6 Dec 46

7. RURAL LAND REFORM

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

9 December 1945

AG 602 6 (9 Dec 45) CIE
(SCAPIN 411)

Memorandum for· Imperial Japanese Government
Through. Central Liaison Office, Tokyo.
Subject Rural Land Reform.

1. In order that the Imperial Japanese Government shall remove economic obstacles to the revival and strengthening of democratic tendencies, establish respect for the dignity of man, and destroy the economic bondage which has enslaved the Japanese farmer to centuries of feudal oppression, the Japanese Imperial Government is directed to take measures to insure that those who till the soil of Japan shall have a more equal opportunity to enjoy the fruits of their labor

2 The purpose of this order is to exterminate those pernicious ills which have long blighted the agrarian structure of a land where almost half the total population is engaged in husbandry. The more malevolent of these ills include

a *Intense overcrowding of land* Almost half the farm households in Japan till less than one and one half acres each

b *Widespread tenancy under conditions highly unfavorable to tenants* More than three-fourths of the farmers in Japan are either partially or totally tenants, paying rentals amounting to half or more of their annual crops.

c *A heavy burden of farm indebtedness combined with high rates of interest on farm loans* Farm indebtedness persists so that less than half the total farm households are able to support themselves on their agriculture income

d *Government fiscal policies which discriminate against agriculture in favor of industry and trade.* Interest rates and direct taxes on agriculture are more oppressive than those in commerce and industry

e [illegible] and destroyed

3 The Japanese Imperial Government is therefore ordered to submit to this Headquarters on or before 15 March 1946, a program of rural land reform. This program shall contain plans for.

a Transfer of land ownership from absentee land owners to land operators.

b Provisions for purchase of farm lands from nonoperating owners at equitable rates.

c Provisions for tenant purchase of land at annual installments commensurate with tenant income

d. Provisions for reasonable protection of former tenants against reversion to tenancy status. Such necessary safeguards should include:

(1) Access to long and short term farm credit at reasonable interest rates
[illegible] population

(5) A program to foster and encourage an agricultural cooperative movement free of domination by non-agrarian interests and dedicated to the economic and cultural advancement of the Japanese farmer.

c. The Japanese Imperial Government is requested to submit in addition to the above, such other proposals it deems necessary to guarantee to agriculture a share of the national income commensurate with its contribution.

For the Supreme Commander:

(S) H. W. Allen,
H. W. Allen,
Colonel, A.G.D.,
Asst. Adjutant General.

Appendix B 7b

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

4 February 1948

AG 602 (4 Feb 48) NR/A
(SCAPIN 1855)

Memorandum for Japanese Government
Subject Rural Land Reform

1 Reference is made to

a Memorandum for Japanese Government, file AG 602 6 (9 Dec 45)CIE, (SCAPIN 411), subject as above, dated 9 December 1945

b Owner-Farmer Establishment and Special Measures Law, Law No 43, 21 October 1946

c Agricultural Land Adjustment Law, Law No 67, 2 April 1938, as revised by Law No 64, 28 December 1945, and by Law No 42, 21 October 1946

2 The Owner-Farmer Establishment and Special Measures Law and the Agricultural Land Adjustment Law were enacted in accordance with the reference memorandum, in order to eliminate the feudal system of land tenure and remove economic obstacles to the redistribution of the land on an equitable and democratic basis Since the enactment of these land reform laws, however, efforts have been made by certain adversely affected interests to obstruct the accomplishment of the rural land reform program

3 The firm implementation of the Land Reform Program is essential to the creation in Japan of a society which is truly free and democratic and, as a consequence, it has become one of the foremost objectives of the Japanese people as well as of the Allied occupation Therefore, the strict, vigorous and fearless enforcement of the above-mentioned laws is both imperative and indispensable.

4 Accordingly, it is directed that

a The Ministry of Agriculture and Forestry will instruct prefectural and local agricultural land commissions to purchase without delay all land subject to Land Reform Law in accordance with [illegible]

FOR THE SUPREME COMMANDER

(S) C B Thugart
(for) R M LEVY,
Colonel, AGD,
Adjutant General

Appendix B: 8a

8. CIVIL SERVICE REFORM

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
GOVERNMENT SECTION
Public Administration Division

APO 500,
30 January 1946.

MEMORANDUM FOR CHIEF, GOVERNMENT SECTION.
Subject: Japanese Civil Service Reform.

1. Of all the major bulwarks of feudal and totalitarian Japan only the bureaucracy remains unimpaired. The bureaucracy will definitely outlast the occupation and play a decisive role of moulding the future of Japan.

2. As yet, there are no signs of reform in the bureaucratic structure. All our evidence indicates that without constant pressure and guidance from this Headquarters the present bureaucracy is neither willing nor competent to reform the system.

3. Modern democratic government requires a democratic and efficient public service. Merely to reform obvious abuses—which has not yet been accomplished—will not provide the minimum level of efficiency necessary to democratic administration now that the police are no longer available to perform the operating function of government. The present Japan bureaucracy is incompetent to manage a modern democratic society.

4. Only relentless pressure from this Headquarters will induce the Japanese to make these essential and fundamental changes. They may even require guidance on the proper techniques to employ. Unless a thoroughgoing democratization and modernization of the civil service is carried out, it is difficult to see how the objectives of this occupation can be fully realized.

5. In my opinion, civil service reform should continue as an active interest and a major priority of the Government Section.

(S) Milton J. Esman,
MILTON J. ESMAN,
First Lieutenant, *T. C.*

JAPANESE IMPERIAL GOVERNMENT
MINISTRY OF FINANCE
THE IMPERIAL JAPANESE GOVERNMENT

25 April 1946

To: Major General Marquat, Acting Chief of the Economic and Scientific Section, G H Q , SCAP.
From Viscount Keizo Shibusawa

Re Request for Assistance in the Revision of Salary and Allowance System of Government Personnel

As the present system of salary and allowances to government personnel is not based on scientific analysis of jobs, it is outmoded and inadequate to meet the needs of the times Although minor revisions and additions were made from time to time, they were simply makeshift and we admit the necessity of fundamental and thoroughgoing revision to be made

[illegible]

Minister of Finance

Request to the G.H.Q. of S.C.A.P. for the Dispatch of Experts on the Classification of Positions and Salary and Allowances
(Understanding of the Cabinet Council on May 14, 1946)

Whereas we are now assiduously making preparations in order to realize fundamental revisions as regards the system of payments for the Government personnel in the near future; and whereas, in connection with the standard of payments under the new system, which constitute the most important point of the revision, it is not adequate to lay stress, as hitherto, exclusively upon personal elements such as the appointment qualifications, the amount to be paid upon the first appointment, the tenure of office necessary for promotion, the period of continuity of employment, the number of members of family, etc., but due considerations should positively be made to other elements as well, e. g., the grade of importance as well as the difficulty of the duties and functions to be discharged, the extent of liabilities, the efficiency in handling business, and the whole system should be designed so as to award every personnel reasonable payments in compliance with the content of his service and, at the same time, so as to stimulate the increase of efficiency; and, whereas in the United States the methods of classification of positions and efficiency rating, with the latter elements chiefly in view, have already been widely in practice for years in connection with payment system with satisfactory results: we intend for the present to apply to the G.H.Q. of S.C.A.P. for the dispatch of experts who are versed in both theory and practice of the above-mentioned methods and, with the assistance of such experts, to proceed to planning and drafting in order that we may have a new payment system which is most reasonably in conformity with the miscellaneous requests under the present circumstance. The understanding of all of you (members of the Cabinet Council) are hereby sued beforehand concerning the application to H.Q. for the dispatch of the above-mentioned experts.

Japanese Imperial Government
Understanding of the Cabinet Meeting on May 14, 1946

The Government is making preparations for the fundamental revision of salary and wage system of Government officials so that new system will come into force in the near future. In planning revision the most important question lies in what will be taken as the basis of salary and wage. Under the present system too much stress has been put upon personal factors such as qualifications of appointment, first salary or wage at the time of appointment, length of years required for the raise of salary or wage, length of service, number of families, etc. The importance, responsibility and difficulty of one's jobs, one's efficiency in fulfilling jobs, and other factors should be positively considered, so that rational payment might be given in accordance with one's service for the promotion of efficiency and morale. In view of the C.A.F. system having long been successfully enforced in the United States, the Finance Minister, representing the Government, wants to take the liberty of asking the G.H.Q., that the latter will give special and favourable consideration for the invitation of experts with whose assistance and recommendations rational and proper plan might be made to meet the present requirements. Cabinet Ministers are required to give understanding for the above measure.

May 18, 1946.

Colonel Kades, G.H.Q.
Sir:

With regard to the letter of Viscount Keizo Sibusawa, Finance Minister of 25 ultimo, applying your Headquarters for the dispatch of U.S. experts to give us advice in connection with the revision of our system of salary and allowances, I hereby beg you to confirm that there is no objection on the part of the Bureau of Legislation.

Yours sincerely,

(S) Tosiro Irie,
The President of the Bureau of Legislation.

AMENDMENT OF THE NATIONAL PUBLIC SERVICE LAW

Tokyo, Japan
22 July 1948.

Dear Mr. Prime Minister:

I have reviewed the conclusions drawn from the joint studies conducted between representatives

cratic and efficient public service in the government of Japan. The plan envisioned a modern type personnel system which recruits public employees from the entire public by competitive test and promotes them on the basis of merit, providing scientific supervision over their classification, compensation, training, evaluation, health, safety, welfare, recreation and retirement. The system provides a grievance procedure for employees and assures them fair and equitable treatment in administration. Enforced by a quasi-judicial administrative authority and supplemented by emergency provisions

designed to regard the faithful administration of the law and the efficient conduct of the government's business as a prime duty without yielding to the pressure of politics or privilege.

The studies, now completed, of various laws relating to this subject matter, reveal omissions to deal adequately with the situation. They fail to afford positive safeguards against minority pressure upon the authority and integrity of government and they fail to apply the law to many classifications

agencies exercising the sovereign power

through long and arduous struggle secured the economic power of bargaining collectively through representatives of their own choice for an improved standard of life, a betterment in working conditions and some degree of social security. This right of association with its inherent power of compulsion has progressively developed in the trade union movement an economic power which has

usurp the function of the duly elected representatives of the people as a whole by superimposing

The significance of this concept is as well understood in Japan as in any western democracy. The Constitution of Japan itself recognizes the "unity of the people" and the "will of the people with whom resides sovereign power"; the Constitution itself affirms the principle that "the freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people" who, "shall always be responsible for utilizing them for the public welfare"; and the Constitution itself envisages a National Diet as "the highest organ of state power" which shall be "representative of *all the people*."

If this fundamental concept of the Constitution declaring the unity of the people and the supremacy of the public interest is to be preserved inviolate, no part of the power of government can be delegated to or usurped by any private group whatsoever. Were the contrary true the "responsible government" for Japan contemplated by the Potsdam Declaration and created by the Constitution, could not exist. For it is axiomatic that a government which abdicates its sovereign power is no longer responsible.

By its very nature, as a private entity the labor union does not possess the attributes of government. Wherever it has flourished, the strength of free trade unionism has always sprung from its independence of government and its freedom from domination by government in the pursuit of its lawful and legitimate objectives.

Having experienced the suppression which was an attribute of totalitarian Japan, Japanese labor since the Occupation has in general understood this principle and chosen the path of free trade unionism, eschewing those reckless policies, the inevitable effect of which would be to provoke severe repressive measures in safeguard of the general welfare. It has recognized that free workers in free private enterprise cannot exercise sovereign power except in their capacity as free men at free elections. Indeed, because it upholds the dignity of the individual and of his labor, free trade unionism in the pursuit of labor's legitimate objectives constitutes one of the strongest bulwarks of democracy.

There is, however, a sharp distinction between those who have dedicated their energies to the public service and those engaged in private enterprise. The former are the very instruments used for the exercise by government of the people's sovereign power, and as such owe unconditional allegiance to the public trust imposed by virtue of their employment. For upon them rests, in the words of the late President of the United States, Franklin D. Roosevelt, a foremost exponent of the rights of labor, "the obligation to serve the whole people, whose interests and welfare require orderliness and continuity in the conduct of Government activities. This obligation is paramount. Since their own services have to do with the functioning of the government, a strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable."

I am in full accord with this view. No person holding a position by appointment or employment in the public service of Japan or in any instrumentality thereof should resort to strike or engage in delaying or other dispute tactics which tend to impair the efficiency of governmental operations. I feel that any person, holding such a position, who resorts to such action against the public of Japan thereby betrays the public trust reposed in him and forfeits all rights and privileges accruing to him by virtue of his employment. For as President Roosevelt further stated, "all government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employee organizations. The employer is the whole people, who speak by means of laws enacted by their representatives of Congress. Accordingly, administrative officials and employees alike are governed and guided, and in many instances, restricted by laws which establish policies, procedures or rules in personnel matters."

It must be clearly understood, however, that this concept does not mean that public servants are deprived of the untrammelled right individually or collectively, personally or by chosen representatives, freely to express their views, opinions or grievances for the purpose of seeking a betterment of their conditions of public employment. Such rights are inherent in a democratic society and inalienable and I believe are adequately provided for in the proposed revision of existing law. Moreover, the special restrictions which protection of the national interest impose upon the employees of government make it at all times incumbent upon government to provide adequate safeguards to the welfare

and interests of such employees. Indeed, so completely is this concept understood and followed in democratic society that the opportunity for public service with the added dignity, prestige and permanence of such a status, is universally regarded and sought as a desirable privilege.

[illegible]

ment from the other functions of that Ministry and the establishment of two Cabinet agencies in lieu thereof.

The National Public Service Law was initially conceived in recognition of the fact that a complete reform of the Japanese bureaucracy is essential to the success of democratic institutions in Japan, as such institutions, whether political, economic or social, will inevitably find strength or weakness [illegible]

In the solution of this problem the paramountcy of the public interest is therefore of foremost [illegible]

servient to a primacy of the special privilege of minority groups, a condition which inevitably leads to anarchy, insurrection and destruction This is a rule fundamental to the very existence of a democratic society, and yet its enforcement in the great western democracies has only recently necessitated the full application of the police power of the State involving the employment of the armed forces as well as the civil police In Japan, where the maintenance of armed forces is renounced by constitutional mandate, such application of police power can, however, only be supported by the civil police This renders it all the more necessary here than elsewhere that the law carefully define and make unmistakably clear the authority of government and provision for the firm preservation of its integrity and dignity [illegible]

sultation

Sincerely yours,

(Signed) Douglas MacArthur,
DOUGLAS MACARTHUR,

The Prime Minister of Japan, Tokyo, Japan.

9. EDUCATION REFORM

IMPERIAL RESCRIPT ON EDUCATION

Know ye, Our Subjects:

Our Imperial Ancestors have founded Our Empire on a basis broad and everlasting, and have deeply and firmly implanted virtue; Our subjects ever united in loyalty and filial piety have from generation to generation illustrated the beauty thereof. This is the glory of the fundamental character of Our Empire, and herein also lies the source of Our education. Ye, Our subjects, be filial to your parents, affectionate to your brothers and sisters; as husbands and wives be harmonious, as friends true, bear yourselves in modesty and moderation, extend your benevolence to all; pursue learning and cultivate arts, and thereby develop intellectual faculties and perfect moral powers; furthermore, advance public good and promote common interests; always respect the Constitution and observe the laws; should emergency arise, offer yourselves courageously to the State; and thus guard and maintain the prosperity of Our Imperial Throne coeval with heaven and earth. So shall ye not only be Our good and faithful subjects, but render illustrious the best traditions of your forefathers.

The Way here set forth is indeed the teaching bequeathed by Our Imperial Ancestors, to be observed alike by Their Descendants and the subjects, infallible for all ages and true in all places. It is Our wish to lay it to heart in all reverence, in common with you, Our subjects, that we may all attain to the same virtue.

The 30th day of the 10th month of the 23rd year of Meiji
(The 30th of October 1890)
(Imperial Sign Manual Imperial Seal)

DIET RESOLUTION RESCINDING IMPERIAL RESCRIPT ON EDUCATION

June 19, 1948.

of democratic education aimed at rearing a humanity that stands for truth and peace,

Whereas the Imperial Rescript on Education, as well as the Imperial Rescript to the Army and Navy, the Imperial Rescript to Students, and the like, have thereby lost their validity,

Whereas we fear that some ill-advised elements may entertain the notion that these documents still retain their validity and wish to make clear the fact that they are no longer valid and to cause the Government to collect all copies of such documents in the possession of universities and schools,

Let it be resolved, therefore, that we shall conscientiously strive to disseminate the new educational concepts manifested by the Basic Law of Education, so that the true dignity of education may be upheld and national morals may be uplifted

Appendix C
DOCUMENTS RELATING TO THE NEW CONSTITUTION OF JAPAN

THE CONSTITUTION OF THE EMPIRE OF JAPAN

Chapter I
The Emperor

Article I. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Article II. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

Article III. The Emperor is sacred and inviolable.

Article IV. The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitutions.

Article V. The Emperor exercises the legislative power with the consent of the Imperial Diet.

Article VI. The Emperor gives sanction to laws and orders them to be promulgated and executed.

Article VII. The Emperor convokes the Imperial Diet, opens, closes and prorogues it, and dissolves the House of Representatives.

Article VIII. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances in the place of law.

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

Article IX. The Emperor issues or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

Article X. The Emperor determines the organization of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon).

Article XI. The Emperor has the supreme command of the Army and Navy.

Article XII. The Emperor determines the organization and peace standing of the Army and Navy.

Article XIII. The Emperor declares war, makes peace, and concludes treaties.

Article XIV. The Emperor declares a state of siege.

The conditions and effects of a state of siege shall be determined by law.

Article XV. The Emperor confers titles of nobility, rank, orders and other marks of honor.

Article XVI. The Emperor orders amnesty, pardon, commutation of punishments and rehabilitation.

Article XVII. A Regency shall be instituted in conformity with the provisions of the Imperial House Law.

The Regent shall exercise the powers appertaining to the Emperor in His name.

Chapter II
Rights and Duties of Subjects

Article XVIII. The conditions necessary for being a Japanese subject shall be determined by law.

Article XIX. Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military or any other public offices equally.

Article XX. Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

Article XXI. Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

Article XXII. Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

Article XXIII. No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

Article XXIV. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

Article XXV. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

Article XXVI. Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

Article XXVII. The right of property of every Japanese subject shall remain inviolate.

Measures necessary to be taken for the public benefit shall be provided for by law.

Article XXVIII. Japanese subjects shall, within limits not prejudicial to peace and order, and not antago-

nistic to their duties as subjects, enjoy freedom of religious belief.

Article XXIX. Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations

Article XXX. Japanese subjects may present petitions, by observing the proper forms of respect, and by complying with the rules specially provided for the same.

Article XXXI. The provisions contained in the present Chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of a national emergency

Article XXXII. Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the offices and men of the Army and of the Navy

Chapter III

The Imperial Diet

Article XXXIII The Imperial Diet shall consist of two Houses, a House of Peers and a House of Representatives

Article XXXIV The House of Peers shall, in accordance with the Ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those persons who have been nominated thereto by the Emperor

Article XXXV The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election

Article XXXVI No one can at one and the same time be a Member of both Houses

Article XXXVII Every law requires the consent of the Imperial Diet

Article XXXVIII Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law

Article XXXIX. A Bill, which has been rejected by either the one or the other of the two Houses, shall not be again brought in during the same session

Article XL Both Houses can make representations to the Government, as to laws or upon any other subject When, however, such representations are not accepted, they cannot be made a second time during the same session

Article XLI The Imperial Diet shall be convoked every year

Article XLII. A session of the Imperial Diet shall last during three months. In cases of necessity, the duration of a session may be prolonged by Imperial Order.

Article XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued

Article XLV When the House of Representatives *has been ordered to dissolve, Members shall be caused by* Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution

Article XLVI No debate can be opened and no vote can be taken in either House of the Imperial Diet, unless not less than one third of the whole number of the Members thereof is present

Article XLVII Votes shall be taken in both Houses by absolute majority. In the case of a tie vote, the President shall have the casting vote

Article XLVIII. The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the House, be held in secret sitting

Article XLIX. Both Houses of the Imperial Diet may respectively present addresses to the Emperor

Article L Both Houses may receive petitions presented by subjects

Article LI Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

Article LII No Member of either House shall be held

Article LIII. The Members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offenses connected with a state of internal commotion or with a foreign trouble.

Article LIV. The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

Chapter IV
The Ministers of State and the Privy Council

Article LV. The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.

All Laws, Imperial Ordinances and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the counter-signature of a Minister of State.

Article LVI. The Privy Councillors shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of State, when they have been consulted by the Emperor.

Chapter V
The Judicature

Article LVII. The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor.

The organization of the Courts of Law shall be determined by law.

Article LVIII. The judges shall be appointed from among those who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

Article LIX. Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the Court of Law.

Article LX. All Matters that fall within the competency of a special Court shall be specially provided for by law.

Article LXI. No suit at law, which relates to rights alleged to have been infringed by the illegal measures of the administrative authorities, and which shall come within the competency of the Court of Administrative Litigation specially established by law, shall be taken cognizance of by a Court of Law.

Chapter VI
Finance

Article LXII. The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet.

Article LXIII. The taxes levied at present shall, insofar as they are not remodeled by a new law, be collected according to the old system.

Article LXIV. The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet.

Article LXV. The Budget shall be first laid before the House of Representatives.

Article LXVI. The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

Article LXVII. Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government.

Article LXVIII. In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years.

Article LXIX. In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget.

Article LXX. When the Imperial Diet cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures, by means of an Imperial Ordinance.

In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next

session, and its approbation shall be obtained thereto

Article LXXI. When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

Article LXXII The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Imperial Diet, together with the report of verification of the said Board

The organization and competency of the Board of Audit shall be determined by law separately

Chapter VII

Supplementary Rules

Article LXXIII When it has become necessary in future to amend the provisions of the present Constitution, a project to the effect shall be submitted to the Imperial Diet by Imperial Order

In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained

Article LXXIV No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet

No provision of the present Constitution can be modified by the Imperial House Law

Article LXXV No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency

Article LXXVI Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force

All existing contracts or orders, that entail obligations upon the Government, and that are connected with expenditure, shall come within the scope of Art LXVII

THE IMPERIAL HOUSE LAW

Chapter I

Succession to the Imperial Throne

Article I. The Imperial Throne of Japan shall be succeeded to by male descendants in the male line of Imperial Ancestors.

Article II. The Imperial Throne shall be succeeded to by the Imperial eldest son.

Article III. When there is no Imperial eldest son, the Imperial Throne shall be succeeded to by the Imperial eldest grandson. When there is neither Imperial eldest son nor any male descendant of his, it shall be succeeded to by the Imperial son next in age, and so on in every successive case.

Article IV. For succession to the Imperial Throne by an Imperial descendant, the one of full blood shall have precedence over descendants of half blood. The succession to the Imperial Throne by the latter shall be limited to those cases only in which there is no Imperial descendant of full blood.

Article V. When there is no Imperial descendant, the Imperial Throne shall be succeeded to by an Imperial brother and by his descendants.

Article VI. When there is no such Imperial brother or descendant of his, the Imperial Throne shall be succeeded to by an Imperial uncle and his descendants.

Article VII. When there is neither such Imperial uncle nor descendant of his, the Imperial Throne shall be succeeded to by the next nearest member among the rest of the Imperial Family.

Article VIII. Among the Imperial brothers and the remoter Imperial relations, precedence shall be given, in the same degree, to the descendants of full blood, and to the elder over the younger.

Article IX. When the Imperial heir is suffering from an incurable disease of mind or body, or when any other weighty cause exists, the order of succession may be changed in accordance with the foregoing provisions, with the advice of the Imperial Family Council and with that of the Privy Council.

Chapter II

Ascension and Coronation

Article X. Upon the demise of the Emperor, the Imperial heir shall ascend the Throne and shall acquire the Divine Treasures of the Imperial Ancestors.

Article XI. The ceremonies of Coronation shall be performed and a Grand Coronation Banquet (Dai josai) shall be held at Kyoto.

Article XII. Upon an ascension to the Throne, a new era shall be inaugurated, and the name of it shall remain unchanged during the whole reign in agreement with the established rule of the 1st year of Meiji.

Chapter III

Majority, Institution of Empress and of Heir-apparent

Article XIII. The Emperor, the Kōtaishi, and the Kōtaison shall attain their majority at eighteen full years of age.

Article XIV. Members of the Imperial Family, other than those mentioned in the preceding article, shall attain their majority at twenty full years of age.

Article XV. The son of the Emperor who is Heir-apparent, shall be called "Kōtaishi." In case there is no Kōtaishi, the Imperial grandson who is Heir-apparent shall be called "Kōtaison."

Article XVI. The Institution of Empress and that of Kōtaishi or of Kōtaison shall be proclaimed by an Imperial Rescript.

Chapter IV

Styles of Address

Article XVII. The style of address for the Emperor, the Grand Empress Dowager, the Empress Dowager, and of the Empress shall be "His," or "Her," or "Your Majesty."

Article XVIII. The Kōtaishi and his consort, the Kōtaison and his consort, the Imperial Princes and their consorts, and the princesses shall be styled "His," "Her," "Their," or "Your Highness" or "Highnesses."

Chapter V

Regency

Article XIX When the Emperor is a minor a Regency shall be instituted. When he is prevented by some permanent cause from personally governing, a Regency shall be instituted, with the advice of the Imperial Family Council and with that of the Privy Council.

Article XX. The Regency shall be assumed by the Kōtaishi or the Kōtaison, being of full age of majority.

Article XXI When there is neither Kōtaishi nor Kōtaison, or when the Kōtaishi or Kōtaison has not yet arrived at his majority, the Regency shall be assumed in the following order

1. An Imperial Prince or a Prince
2. The Empress
3. The Empress Dowager
4. The Grand Empress Dowager
5. An Imperial Princess or a Princess

Article XXII. In case the Regency shall be assumed from among the male members of the Imperial Family, it shall be done in agreement with the order of succession to the Imperial Throne The same shall apply to the case of female members of the Imperial Family.

Article XXIII. A female member of the Imperial Family chosen to assume the Regency shall be exclusively one who has no consort

Article XXIV When, on account of the minority of the nearest related member of the Imperial Family, or for some other cause, another member has to assume the Regency, the latter shall not, upon the arrival at majority of the above mentioned nearest related member, or upon the disappearance of the aforesaid cause, resign his or her post in favor of any person other than of the Kōtaishi or of the Kōtaison

Article XXV When a Regent or one who should become such, is suffering from an incurable disease of mind or body, or when any other weighty cause exists therefor, the order of the Regency may be changed, with the advice of the Imperial Family Council and with that of the Privy Council.

Chapter VI

The Imperial Governor

Article XXVI When the Emperor is a minor an Imperial Governor shall be appointed to take charge of his bringing up and of his education

Article XXVII In case no Imperial Governor has been nominated in the will of the preceding Emperor, the Regent shall appoint one, with the advice of the Imperial Family Council and with that of the Privy Council

Article XXVIII. Neither the Regent nor any of his descendants can be appointed Imperial Governor

Article XXIX. The Imperial Governor cannot be removed from his post by the Regent, unless upon the advice of the Imperial Family Council and upon that of the Privy Council.

Chapter VII

The Imperial Family

Article XXX The term "Imperial Family" shall include the Grand Empress Dowager, the Empress Dowager, the Empress, the Kōtaishi and his consort, the Kōtaison and his consort, the Imperial Princes and their consorts, the Imperial Princesses, the Princes and their consorts, and the Princesses

Article XXXI. From Imperial sons to Imperial great-great-grand-sons, Imperial male descendants shall be called Imperial Princes, and from Imperial daughters to Imperial great-great-grand-daughters Imperial female descendants shall be called Imperial Princesses. From the fifth generation downwards, male descendants shall be called Princes and females Princesses

Article XXXII When the Imperial Throne is succeeded to by a member of a branch line, the title of Imperial Prince or Imperial Princess shall be specially granted to the Imperial brothers and sisters, being already Princes or Princesses

Article XXXIII The births, namings, marriages, and deaths in the Imperial Family shall be announced by the Minister of the Imperial Household.

Article XXXIV. Genealogical and other records relating to the matters mentioned in the preceding Article shall be kept in the Imperial archives.

Article XXXV. The members of the Imperial Family shall be under the control of the Emperor.

Article XXXVI When a Regency is instituted, the Regent shall exercise the power of control referred to in the preceding Article

Article XXXVII When a member, male or female, of the Imperial Family is a minor and has been bereft of his or her father, the officials of the Imperial Court shall be ordered to take charge of his or her bringing up and education In certain circumstances, the Emperor may either approve the guardian chosen by his or her parent, or may nominate one.

Article XXXVIII. The guardian of a member of the Imperial Family must be himself a member thereof and of age.

Article XXXIX. Marriages of members of the Imperial Family shall be restricted to the circle of the Family, or to certain noble families specially approved by Imperial Order.

Article XL. Marriages of the members of the Imperial Family shall be subject to the sanction of the Emperor.

Article XLI. The Imperial writs sanctioning the marriages of the members of the Imperial Family shall bear the counter-signature of the Minister of the Imperial Household.

Article XLII. No member of the Imperial Family can adopt any one as his son.

Article XLIII. When a member of the Imperial Family wishes to travel beyond the boundaries of the Empire, he shall first obtain the sanction of the Emperor.

Article XLIV. A female member of the Imperial Family, who has married a subject, shall be excluded from membership of the Imperial Family. However, she may be allowed, by the special grace of the Emperor, to retain her title of Imperial Princess or Princess, as the case may be.

Chapter VIII

Imperial Hereditary Estates

Article XLV. No landed or other property, that has been fixed as the Imperial Hereditary Estates, shall be divided up and alienated.

Article XLVI. The landed or other property to be included in the Imperial Hereditary Estates shall be settled by Imperial writ with the advice of the Privy Council, and shall be announced by the Minister of the Imperial Household.

Chapter IX

Expenditures of the Imperial House

Article XLVII. The expenditures of the Imperial House of all kinds shall be defrayed out of the National Treasury at a certain fixed amount.

Article XLVIII. The estimates and audit of accounts of the expenditures of the Imperial House and all other rules of the kinds, shall be regulated by the Finance Regulations of the Imperial House.

Chapter X

Litigations, Disciplinary Rules for the Members of the Imperial Family

Article XLIX. Litigation between members of the Imperial Family shall be decided by judicial functionaries specially designated by the Emperor to the Department of the Imperial Household, and execution issued after Imperial sanction thereto has been obtained.

Article L. Civil actions brought by private individuals against members of the Imperial Family shall be decided in the Court of Appeal in Tokyo. Members of the Imperial Family shall, however, be represented by attorneys, and no personal attendance in the Court shall be required of them.

Article LI. No members of the Imperial Family can be arrested, or summoned before a Court of Law, unless the sanction of the Emperor has been first obtained thereto.

Article LII. When a member of the Imperial Family has committed an act derogatory to his (or her) dignity, or when he has exhibited disloyalty to the Imperial House, he shall, by way ot disciplinary punishment and by order of the Emperor, be deprived of the whole or a part of the privileges belonging to him as a member of the Imperial Family, or shall be suspended therefrom.

Article LIII. When a member of the Imperial Family acts in a way tending to the squandering of his (or her) property, he shall be pronounced incapable by the Emperor, prohibited from administering his property, and a manager shall be appointed therefor.

Article LIV. The two foregoing Articles shall be enforced upon the advice of the Imperial Family Council.

Chapter XI

The Imperial Family Council

Article LV. The Imperial Family Council shall be composed of the male members of the Imperial Family who have reached the age of majority. The Lord Keeper of the Privy Seal, the President of the Privy Council, the Minister of the Imperial Household, the Minister of State for Justice, and the President of the Court of Cassation shall be ordered to take part in the deliberations of the Council.

Article LVI. The Emperor personally presides over the meetings of the Imperial Family Council, or directs one of the members of the Imperial Family to do so.

Chapter XII

Supplementary Rules

Article LVII Those of the present members of the Imperial Family of the fifth generation and downwards, who have already been invested with the title of Imperial Prince, shall retain the same as heretofore.

Article LVIII. The order of succession to the Imperial Throne shall in every case relate to the descendants of direct lineage There shall be no admission to this line of succession to any one, as a consequence of his now being an adopted Imperial son, Koyushi or heir to a princely house.

Article LIX The grades of rank among the Imperial Princes and Princesses shall be abolished

Article LX The family rank of Imperial Princes and all usages conflicting with the present law shall be abolished

Article LXI. The property, annual expenses, and all other rules concerning the members of the Imperial Family shall be specially determined

Article LXII When in the future it shall become necessary either to amend or make addition to the present law, the matter shall be decided by the Emperor, with the advice of the Imperial Family Council and with that of the Privy Council

Additional Rules

(Promulgated 11 February 1907)

Article I The Princes may be created peers, either by order of the Emperor or at their own wishes, with family names to be granted by the Emperor.

Article II The Princes may, with the sanction of the Emperor, become heirs of peers or be adopted as their sons with a view to becoming their heirs

Article III The consorts, lineal descendants and their wives, of the Princes who have been excluded from membership of the Imperial Family for the reason stated in the two foregoing Articles are also excluded from membership in the Imperial Family as members of the families of the Princes who have become subjects The rule does not, however, apply to those female members of the Imperial Family who have married other members of the Imperial Family or their lineal descendants

Article IV A member of the Imperial Family who has been deprived of the privileges belonging to him as a member of the Imperial Family may be excluded from membership of the Imperial Family and placed in the rank of subjects by order of the Emperor The consort [illegible]

Article V In the cases mentioned in Arts I, II, and IV (of the present additional rules), the matter shall be decided with the advice of the Imperial Family Council and that of the Privy Council

Article VI Those members of the Imperial Family who have been excluded from membership of the Imperial Family cannot be reinstated as members of the Imperial Family

Article VII Regulations pertaining to the legal status of the members of the Imperial Family and the limits of their competence, other than those provided for elsewhere in the present law, shall be defined separately Regarding the affairs in which are involved the interests of a member of the Imperial Family and a subject or subjects and in which different regulations apply to the respective parties, such regulations shall apply.

Article VIII. Those provisions of laws and ordinances designated as applicable to the members of the Imperial Family shall apply to them only in cases where no particular regulations are specifically provided for in the present law or such regulations as are issued in accordance with the present law

(Promulgated 28 November 1908)

A female member of the Imperial Family can marry a male member of Ozoku or Kozoku (former Royal Family of Korea)

Appendix I to the Meiji Constitution

ORDINANCE CREATING AND REGULATING THE PRIVY COUNCIL

Whereas We deem it expedient to consult personages who have rendered signal services to the State, and to avail Ourselves of their valuable advice on matters of State, We hereby establish Our Privy Council, which shall henceforth be an institution of Our supreme counsel, and We hereby also give Our Sanction to the present Ordinance relating to the organization of the said Privy Council and to the Regulations of the business thereof, and order it to be promulgated.

(The Imperial Sign-Manual)

ORGANIZATION OF THE PRIVY COUNCIL

Chapter I

Constitution

I. The Privy Council shall be the place at which it will be the Emperor's pleasure to attend and there hold consultation on important matters of State.

II. The Privy Council shall be composed of a President, a Vice President, twelve or more Councillors, a Secretary-General, and several Secretaries.

III. The President, Vice President, and Councillors of the Privy Council shall be personally appointed by the Emperor. The Secretary-General shall be of *Chokunin* rank and the Secretaries of *sōnin* rank.

IV. No one who has not reached the fortieth year of his age shall be eligible to be appointed President, Vice President or a Councillor of the Privy Council.

V. The President may cause some of the Secretaries to serve as his confidential Secretaries, in addition to their duties of ordinary Secretaryship.

Chapter II

Functions

VI. The Privy Council shall hold deliberations, and present its opinions to the Emperor for his decision on the under-mentioned matters:—

1. Differences of opinion as to the interpretation of the Constitution, or of the laws appertaining thereto, and questions relating to the budget or other financial matters.
2. Drafts of amendments of the Constitution or of laws appertaining thereto.
3. Important Imperial Ordinances.
4. Drafts of new laws, and drafts for the abolition or amendment of existing laws; treaties with foreign countries, and the planning of administrative organizations.
5. Any other matters whatever, besides those mentioned above, touching important administrative or financial measures, upon which the opinion of the Privy Council has been specially required by order of the Emperor; and matters upon which the opinion of the Privy Council has to be taken, by reason of some special provision of law or ordinance.

VII. In Imperial Ordinances referred to in Section 3 of the preceding Article, a statement shall be made to the effect that the opinion of the Privy Council has been taken with regard to them.

VIII. Though the Privy Council is the Emperor's highest resort of counsel it shall not interfere with the executive.

Chapter III

Deliberations and Business

IX. The deliberations of the Privy Council cannot be opened unless ten or more Privy Councillors are present at the time.

X. The deliberations of the Privy Council shall be presided over by the President. When the President is prevented from doing so by unavoidable circumstances, the Vice-President shall preside over the deliberations; and in case the Vice-President is also prevented they shall be presided over by one of the Privy Councillors according to the order of their precedence.

XI. The Ministers of State shall be entitled by virtue of their office to sit in the Privy Council as Councillors, and shall have the right to vote. The Ministers of State may send their representatives to the deliberations of the Privy Council, who shall have the right to there make speeches and explanations, but such representatives shall not have the right to vote.

XII. Debates in the Privy Council shall be decided by a majority of the members present. In case of an equal division of votes the presiding official shall have the deciding vote.

XIII. The President shall have the supreme control of all the business of the Privy Council and shall sign every official document proceeding from the Council.

The Vice-President shall assist the President in the discharge of his duties.

XIV. The Secretary-General shall manage all ordinary business of the Privy Council, under the direction of the President, shall countersign every public document issuing from the Privy Council, shall investigate matters to be submitted to deliberation, shall prepare reports, and shall have a seat in the assembly during deliberations that he may offer needed explanations, but he shall not have the power to vote.

The Secretaries shall take minutes of the proceedings, and shall assist the Secretary-General in the discharge of his duties. When the Secretary-General is prevented from discharging his duties, one of the Secretaries shall represent him therein.

In the minutes referred to in the preceding section, there shall be mentioned the names of those present at the proceedings, the essential points of the matters that have been under discussion, of questions that have been propounded and of replies that have been made thereto,

and of decisions arrived at

XV. Except in special cases, no deliberation can be opened unless reports of any investigation that may have been ordered have been prepared and forwarded to each member of the Privy Council together with the documents necessary for due deliberation

The order of the day and reports are to be previously forwarded to the Ministers of State

REGULATIONS FOR THE CONDUCT OF BUSINESS OF THE PRIVY COUNCIL

I The Privy Council shall formulate its opinions on matters submitted to its deliberation by order of the Emperor.

II The Privy Council cannot receive petitions, representations, or other communications from the Imperial Diet, from either House of the same, from any Government Office, or from any of His Majesty's private subjects whatever

III. The Privy Council shall have official connection with the Cabinet and with the Ministers of State only, and officially shall not communicate or have any connection whatever with any of His Majesty's private subjects

IV The President of the Privy Council shall cause the Secretary-General thereof to investigate matters submitted to the Privy Council, and also to prepare reports on matters to be submitted to its deliberation

In case the President deems it necessary he may undertake himself to prepare the above-mentioned reports, or he may appoint one or more of the Privy Councillors for the purpose

V Reports of investigations shall be forwarded to the President by the person charged with the preparation thereof.

In cases requiring expedition such reports may be made orally. In these cases the essential points of the matter reported upon shall be briefly stated in the record herein referred to in Article VIII

VI. The President may fix the period within which reports of investigation shall be made. The reports shall be prepared with as much despatch as possible, and no procrastination is allowable

The Cabinet may, in regard to matters of urgent importance, address communications of that nature to the Privy Council and may also fix the time of deliberation thereon

[illegible]

on the matters in question

VIII A record shall be kept in chronological order of the deliberations to be held The matters to be inserted in the said record are—

1 The nature of the matters to be deliberated upon.

2 [illegible]

3 [illegible]

tioned in the preceding section, shall be prepared concerning each and every matter to be submitted to deliberation The said order of the day shall be forwarded to each member of the Privy Council three days previous to the opening of the deliberations thereon The forwarding of the said order of the day shall also be regarded as an order to personally attend at the deliberations in question

IX The days and hours of the deliberations of the Privy Council shall be fixed by the President. The Ministers of State may, however, request that the day and hour be changed

X. The deliberations of the Privy Council shall be conducted by the President or the Vice-President in conformity with the following rules.

The Secretary-General or the Secretaries shall briefly state the nature of the matter in hand, and shall explain the essential points upon which decisions are to be arrived at Upon this members present shall be free to engage in debate on the subject, but none of them shall be allowed to speak without having first obtained the permission of the President. When the debate has concluded the President shall state the question and take the votes thereon, in the following order of members—first the Ministers of State present, second the Privy Councillors in their order of precedence

The President shall also be free to take part in the debate.

The President shall declare the result of the vote

XI. When a debate on any matter mentioned in the order of the day has not been concluded in one day it may be continued at another meeting But in that case the formality mentioned above need not be repeated

XII Decisions arrived at in the Privy Council, by re- [illegible]

duced to it, and, in the case of highly important matters, a memorandum stating the essential points of the debate shall accompany it

Members present who entertain an opinion opposed to the decision arrived at may request the recording of their votes, and of the reasons for their opinion, in the reports of the debates, in the documents stating the reasons for the opinion of the Privy Council, or in the memorandum stating the essential points of the debate.

XIII The decision mentioned in the preceding article shall be presented to the Emperor, and at the same time

a copy thereof shall be forwarded to the Minister President of State.

XIV. The reports of the debates of the Privy Council shall be signed by the President and the Secretary-General or the Secretaries present, in order to secure their accuracy and trustworthiness.

Appendix J to the Meiji Constitution

IMPERIAL RESCRIPT ON FUNCTIONS OF THE CABINET

I. The Cabinet is composed of the various Ministers of State.

II. The Minister President of State stands at the head of the Ministers of State, reports affairs of State to the Sovereign, and in compliance with Imperial instructions, has general control over the various branches of the Administration.

III. The Minister President of State, should an occasion seem sufficiently important to demand such a course, has competence to give instructions to any branch of the Administration or to suspend its notifications, pending an expression of the Sovereign's will on the subject.

IV. All laws and all Imperial ordinances affecting the Administration as a whole, shall bear the countersignature of the Minister President as well as that of the Minister from whose Department they directly emanate. All Imperial ordinances affecting a special Department only shall be countersigned by the Minister of the Department alone.

V. The following matters shall be submitted for deliberation by the Cabinet:

1. Drafts of laws, financial estimates, and settled accounts.
2. Treaties with foreign countries and all national questions of importance.
3. Ordinances relating to Administration, or to the carrying out of regulations and laws.
4. Disputes connected with the relative competence of Ministers of Departments.
5. Petitions from the people, handed down from the Throne or submitted by the Imperial Diet.
6. Expenditures apart from the ordinary estimates.
7. Appointments of *chokunin* officials and of Prefects and Governors, as well as their promotions and removals.

In the addition to the above, any important matters connected with the duties of Ministers of Departments, and having relation to the higher branches of the Administration, shall also be submitted for deliberation by the Cabinet.

VI. Every Minister of a Department is competent to submit any matter whatsoever bearing on his functions for the consideration of the Cabinet through the Minister President.

VII. With the exception of military or naval affairs of grave importance which, having been reported directly to the Sovereign by the Chief of Staff, may have been submitted by His Majesty for the consideration of the Cabinet, the Ministers of State for War and the Navy shall report to the Minister President.

VIII. Should the Minister President be prevented from discharging his functions, they may be temporarily delegated to another Minister of State in conjunction with the latter's own duties.

IX. Should any Minister of State be prevented from discharging his functions, they may be delegated temporarily to another Minister of State in conjunction with the Latter's own duties, or another Minister may be appointed to discharge them.

X. In addition to the various Ministers of State, a Minister may be specially authorized to sit in the Cabinet.

Appendix K to the Meiji Constitution

IMPERIAL ORDINANCE CONCERNING THE HOUSE OF PEERS

We, in accordance with the express provision of the Constitution of the Empire of Japan, hereby promulgate, with the advice of Our Privy Council, the present Ordinance concerning the House of Peers; as to the date of its being carried out, We shall issue a special order.

(His Imperial Majesty's Sign-Manual.)

(PRIVY SEAL)

Article I. The House of Peers shall be composed of the following members:

1. The Members of the Imperial Family.
2. Princes and Marquises.
3. Counts, Viscounts and Barons who have been elected thereto by the members of their respective orders.
4. Persons who have been specially nominated by the Emperor, on account of meritorious services to the State, or of erudition.
5. Persons who have been elected, one Member for each Fu (City) and Ken (Prefecture), by and from among the taxpayers of the highest amount of direct national taxes on land, industry or trade therein, and who have afterwards been nominated thereto by the Emperor.

Article II. The male members of the Imperial Family shall take seats in the House on reaching their majority.

Article III. The members of the orders of Princes and of Marquises shall become members on reaching the age of full twenty-five years.

Article IV. The members of the orders of Counts, Viscounts, and Barons, who after reaching the age of full twenty-five years, have been elected by the members of their respective orders, shall become Members for a term of seven years Rules for their election shall be specially determined by Imperial Ordinance

The number of Members mentioned in the preceding clause shall not exceed one-fifth of the entire number of the respective orders of Counts, Viscounts, and Barons

Article V. Any man above the age of full thirty years, who has been nominated by the Emperor as a Member on account of meritorious services to the State, or for erudition, shall be a life Member

Article VI One member shall be elected in each Fu and Ken from among and by the fifteen male inhabitants

his nomination from the Emperor, he shall become Member for a term of seven years Rules for such election shall be specially determined by Imperial Ordinance

Article VII The number of Members that have been nominated by the Emperor, for meritorious services to the State, or for erudition, or from among men paying the highest amount of direct national taxes on land, industry or trade in each Fu or Ken, shall not exceed the number of the Members having the title of nobility

Article VIII The House of Peers shall, when consulted by the Emperor, pass vote upon rules concerning the privileges of the nobility

Article IX The House of Peers decides upon the qualification of its Members and upon disputes concerning elections thereto The rules for these decisions shall be resolved upon by the House of Peers and submitted to the Emperor for His Sanction

Article X When a member has been sentenced to confinement, or to any severe punishment, or has been declared bankrupt, he shall be expelled by Imperial Order

With respect to the expulsion of a Member, as a disciplinary punishment in the House of Peers, the President shall report the facts to the Emperor for his decision

Any Member that has been expelled shall be incapable of again becoming a Member, unless permission so to do has been granted by the Emperor

Article XI The President and Vice-President shall be nominated by the Emperor, from among the Members, for a term of seven years

If an elected Member is nominated President or Vice-President, he shall serve in that capacity for the term of his membership

Article XII Every matter, other than what has been provided for in the present Imperial Ordinance, shall be dealt with according to the provisions of the Law of the Houses

Article XIII When in the future any amendment or addition is to be made in the provisions of the present Imperial Ordinance, the matter shall be submitted to the vote of the House of Peers

Appendix L to the Meiji Constitution

LAW OF THE HOUSES OF THE DIET

Chapter I Convocation, Organization and Opening of the Imperial Diet

Article I An Imperial Proclamation for the convocation of the Imperial Diet, fixing the date of its assembling, shall be issued at least forty days beforehand

Article II The Members shall assemble in the Hall of their respective Houses, upon the day specified in the Imperial Proclamation of convocation

Article III The President and Vice-President of the House of Representatives shall both of them be nominated by the Emperor, from among three candidates respectively elected by the House for each of those offices.

Until the nomination of the President and Vice-President, the functions of President shall be discharged by the Chief Secretary

Article IV Each House shall divide the whole number of its Members into several Sections by lot, and in each section a Chief shall be elected by and from among the Members belonging thereto

Article V Upon the organization of both Houses, the d.y for the opening of the Imperial Diet shall be fixed by Imperial Order, and the ceremony of opening shall be celebrated by the assembling of the Members of both Houses in the House of Peers

Article VI On the occasion referred to in the preceding Article, the functions of President shall be exercised by the President of the House of Peers

Chapter II. President, Secretaries and Expenses

Article VII There shall be in each House a President and a Vice-President.

Article VIII The term of office of the President and of the Vice-President of the House of Representatives, shall be the same as that of the membership thereof

Article IX. When the office of President or of Vice-President of the House of Representatives, has become vacant by the resignation of the occupant thereof or for any other reason, the term of office of the successor shall be in correspondence with that of his predecessor

Article X. The President of each House shall maintain order therein, regulate the debates and represent the the House outside thereof.

Article XI. The President of each House shall continue to assume the direction of the business of the House, during the interval that the Diet is not in session.

Article XII. The President shall be entitled to attend and take part in the debates of both the Standing and of the Special Committees, but he shall have no vote therein.

Article XIII. In each House, in the event of the disability of the President, he shall be represented in his functions by the Vice-President.

Article XIV. In each House, in the event of the disability of both the President and of the Vice-President at the same time, a temporary President shall be elected to exercise the functions of President.

Article XV. The President and the Vice-President of each House shall, upon the expiration of their term o office, continue to exercise their functions, until thei successors have been nominated by the Emperor.

Article XVI. In each House there shall be appointe a Chief Secretary and several Secretaries.

The Chief Secretary shall be of the *Chokunin* rank, an *the Secretaries, of the Sōnin rank.*

Article XVII. The Chief Secretary shall, under th direction of the President, supervise the business of th Secretaries and append his signature to official documents

The Secretaries shall compile the records of debates make drafts of other documents and manage busines generally.

Required functionaries other than Secretaries shall b appointed by the Chief Secretary.

Article XVIII. The expenses of both Houses shall b defrayed out of the National Treasury.

Chapter III. The Annual Allowances to the President, Vice-President and Members

Article XIX. The Presidents of the respective Houses shall receive each an annual allowance of five thousand *yen* and the Vice-Presidents, that of three thousand *yen* each; while such Members of the House of Peers as have been elected thereto, and such as have been nominated thereto by the Emperor, and the Members of the House of Representatives, shall each receive an annual allowance of two thousand *yen*. They shall also receive travelling expenses in accordance with regulations to be specially provided. Members, however, who do not comply with the summons of convocation, shall receive no annual allowance.

The Presidents, Vice-Presidents and Members shall b allowed to decline their respective annual allowance.

Members who are in the service of the Governmen shall receive no such annual allowances.

In the case mentioned in Article XXV, the Member concerned shall receive, in addition to the annual allow ance mentioned in the first clause of the present Article an allowance of not more than five *yen per diem*, in accord ance with the schedule determined by the respective Houses.

Chapter IV. Committees

Article XX. Committees shall be of three kinds, a Committee of the Whole House, and Standing and Special Committees.

The Committee of the Whole House is composed of the whole number of the Members of the House.

The Standing Committee shall be divided into several branches according to the requirements of business; and in order to engage in the examination of matters falling within its province, the several Sections shall, from among the Members of the House, respectively elect an equal number of members to the Standing Committeeship. The term of the Standing Committeeship shall last during a single session only.

The Special Committees shall be chosen by the House and specially entrusted with the examination of a certain particular matter.

Article XXI. The Chairman of the Committee of the *Whole House shall be elected for each session at the beginning of the same.*

The Chairman of both the Standing and Special Committees shall be respectively elected at the meetings of th Committees, by and from among the Members thereof

Article XXII. No debates can be opened nor can an resolution be passed by the Committee of the Whol House, unless more than one-third of the entire numbe of the Members of the House is present, or by either th Standing or by the Special Committee, unless more tha one-half of the Members of the same is present.

Article XXIII. No stranger, other than Members o the House, shall be admitted to the meetings of eithe the Standing or of the Special Committees. Member may also be excluded from such meetings by resolution of the respective Committees.

Article XXIV. The Chairman of each Committee shall report to the House concerning the proceedings and results of the meetings of the Committees he presides.

Article XXV. Each House may, at the request, or *with the concurrence of the Government, cause a Com*mittee to continue the examination of Bills during the interval when the Diet is not sitting.

Chapter V. Sittings

Article XXVI The President of each House shall determine the orders of the day and report the same to the House he presides

In the orders of the day, the Bills brought in by the Government shall have precedence, except when the concurrence of the Government has been obtained to the contrary, in case of urgent necessity for debates

Article XXVII A project of law shall be voted upon, after it has passed through three readings But the process of three readings may be omitted, when such a course is demanded by the Government or by not less than ten members, and agreed to by a majority of not less than two-thirds of the Members present in the House

Article XXVIII Bills brought in by the Government shall never be voted upon, without having been first submitted to the examination of a Committee But it may happen otherwise, when it is so demanded by the Government, in cases of urgent necessity

Article XXIX When a Member moves to introduce a Bill or to make an amendment of a Bill, such motion shall not be made the subject of debate, unless it is supported by not less than twenty Members

Article XXX. The Government shall be at liberty at any time to either amend or withdraw any Bill which it has already brought in

Article XXXI All Bills shall, through the medium of a Minister of State, be presented to the Emperor by the President of that House, in which the Bill has been last voted upon

When, however, a Bill originating in either one of the Houses has been rejected in the other, the rule set forth in the second clause of Article LIV shall be followed

Article XXXII Bills which, after having been passed by both Houses of the Diet and presented to the Emperor, may receive His Sanction, shall be promulgated before the next session of the Diet

Chapter VI Prorogation and Closing

Article XXXIII The Government may at any time order the prorogation of either House for a period of not more than fifteen days

When either House again meets after the termination of the prorogation, the debates of the last meeting shall be continued

Article XXXIV In case the House of Peers is ordered to prorogue on account of the dissolution of the House of Representatives, the rule set forth in the second clause of the preceding article shall not apply

Article XXXV Bills, representations and petitions, that have not been voted upon at the time of the closing of the Imperial Diet, shall not be continued at the next session It is, however, otherwise in the case mentioned in Article XXV

Article XXXVI The closing of the Diet shall be effected in a joint meeting of both Houses, in accordance with Imperial Order

Chapter VII Secret Meetings

Article XXXVII In the following cases, the sittings of either House may be held with closed doors

1. Upon motion of either the President or of not less than ten Members and agreed to by the House
2. Upon the demand of Government

Article XXXVIII When a motion to go into secret sitting is made either by the President or by not less than 10 Members, the President shall cause the strangers to withdraw from the House, and shall then proceed, without debate, to take votes upon the motion

Article XXXIX The proceedings of a secret sitting shall not be made public

Chapter VIII The Passing of the Budget

Article XL When the Budget is brought into the *House of Representatives by the Government, the* Committee on the Budget shall finish the examination of the same, within fifteen days from the day on which it received it, and report thereon to the House

Article XLI No motion for an amendment to the Budget *can be made the subject of debate at a sitting of* the House, unless it is supported by not less than thirty Members

Chapter IX The Ministers of State and the Delegates of the Government

Article XLII The Ministers of State and the Delegates of the Government shall be allowed at any time to speak But the speech of no Member shall be interrupted thereby

Article XLIII. When a Bill has been referred in either House to a Committee, the Ministers of State and the Delegates of the Government may attend the meetings of the Committee and there express their opinions

Article XLIV A Committee in meeting may, through the President, demand explanations from the Delegates of the Government.

Article XLV. The Ministers of State and the Dele-

gates of the Government, except such of them as are Members of the House, shall have no vote in the House.

Article XLVI. When a meeting of either a Standing or of a Special Committee is to be held, the Chairman thereof shall every time report the fact to the Ministers of State and to the Delegates of the Government concerned in the matter to be considered.

Article XLVII. The orders of the day and the notices relating to debates shall, simultaneously with the distribution thereof among the Members, be transmitted to the Ministers of State and to the Delegates of the Government.

Chapter X. Questions

Article XLVIII. When a Member in either House desires to put a question to the Government, he shall be required to obtain the support of not less than thirty Members.

In putting such question, the Member proposing it shall draw up a concise memorandum and present it to the President, duly signed by himself and his supporters.

Article XLIX. The President shall transmit to the Government the memorandum on questions. A Minister of State shall then either immediately answer the questions, or fix the date for making such answer, and when he does not do so, he shall explicitly state his reasons therefor.

Article L. When an answer has been or has not been obtained from a Minister of State, any Member may move a representation concerning the affairs of the questions.

Chapter XI. Addresses to the Throne and Representations

Article LI. When either House desires to present an address to the Emperor, it shall be presented by it in writing; or the President may be directed, as the representative of the House, to ask an audience of the Emperor, and present the same to Him.

The representations of either House to the Government shall be presented in writing.

Article LII. No motion for such address and representation shall in either House be made the subject of debate, unless not less than 30 Members support it.

Chapter XII. The Relations of the Two Houses of the Diet to Each Other

Article LIII. With the exception of the Budget, the Bills of the Government may be brought in either one of the Houses first, according to the convenience of the case.

Article LIV. When a Government Bill has been passed in either House with or without amendment, it shall then be carried into the other House. When the second House either concurs in or dissents from the vote of the first House, it shall, simultaneously with addressing the Emperor, report to the first House.

In case a Bill introduced by either House is rejected by the other House, the second House shall report the fact to the first House.

Article LV. When either House makes amendments to a Bill carried into it from the other House, the Bill as amended shall be returned to the first House. When the first House agrees to the amendments, it shall, simultaneously with addressing the Emperor, report to the Second House. When, on the other hand, the first House does not agree to such amendments, it may demand a conference of the two Houses.

When either House demands a conference, the other House cannot refuse it.

Article LVI. Both Houses shall elect an equal number, not more than ten, of Managers to meet in conference. When the Bill in question has been adjusted in the conference, the adjusted Bill shall be discussed first in that House, which has either received it from the Government or had initiated it, and the Bill is then carried to the other House.

No motion for amendments can be made to a Bill that has been adjusted in a conference.

Article LVII. The Ministers of State, the Delegates of the Government and the Presidents of both Houses, are at liberty to attend a conference of the two Houses and to express their opinions thereat.

Article LVIII. No strangers are allowed to be present at a conference of the two Houses.

Article LIX. At a conference of the two Houses, vote shall be taken by secret ballot. In the event of a tie vote, the Chairman shall have the casting vote.

Article LX. The Managers from the two Houses shall separately elect one of themselves Chairman of the Conference. The Chairman thus elected shall occupy the chair at alternate meetings of the conference. The Chairmanship of the first meeting shall be settled by the drawing of lots.

Article LXI. All other regulations besides what is provided for in the present Chapter, as to any business in which both Houses are concerned, shall be determined by a conference of the two Houses.

Chapter XIII. Petitions

Article LXII. All petitions addressed to either House by people shall be received through the medium of a Member.

Article LXIII. Petitions shall be submitted, in either House, to the examination of the Committee on Petitions.

When the Committee on Petitions considers that a pe-

tition is not in conformity with the established rules, the President shall return it through the Member, through whose medium it was originally presented

Article LXIV. The Committee on Petitions shall compile a list in which shall be noted the essential points of each petition, and shall report once a week to the House

When a debate of the House on the contents of a petition is demanded either by a special report of the Committee on Petitions, or by more than thirty Members of the House, either House shall proceed so to do

Article LXV When either House passes a vote to entertain a petition, the petition shall then be sent to the Government, together with a memorial of the House thereon, and the House may, according to circumstances, demand a report thereon of the Government

Article LXVI Neither House can receive a petition presented by a proxy, excepting when presented by a party recognized by law as a juridical person

Article LXVII Neither House can receive petitions for amending the Constitution

Article LXVIII Petitions shall be in the form and style of a prayer No petition that is not entitled as such, or does not conform with the proper form and style, shall be received by either House

Article LXIX Neither House can receive a petition that contains words of disrespect towards the Imperial Family or those of insult to the Government or the House

Article LXX Neither House can receive petitions interfering with the administration of justice or with administrative litigation

Article LXXI Both Houses shall separately receive petitions and shall not interfere each with the other in such matters

Chapter XIV The Relations between the Houses and the People, the Government Offices and the Local Assemblies

Article LXXII Neither House is allowed to issue notifications to the people

Article LXXIII Neither House is allowed, for the prosecution of examinations, to summon persons or to despatch a Member for that purpose

Article LXXIV When either House, for the purposes of examination, asks the Government for necessary reports or documents, the Government shall comply, provided such reports or documents do not relate to any secret matter

Article LXXV. Other than with the Ministers of State and the Delegates of the Government, neither House can hold any correspondence with any Government Office or with any Local Assembly

Chapter XV Retirement, and Objections to the Qualifications of Members

Article LXXVI When a Member of the House of Representatives has been appointed a Member of the House of Peers, or has received an official appointment which by law disables him from being a Member, he shall be considered as retired

Article LXXVII When a Member of the House of Representatives has lost any of the qualifications of eligibility mentioned in the Law of Election, he shall be considered as retired.

Article LXXVIII When an objection is raised in the House of Representatives as to the qualifications of any of its Members, a Special committee shall be appointed to examine into the matter, on a specified day, and the resolution of the House shall be taken upon the receipt of the report of the said Committee

Article LXXIX Whenever, in a Court of Law, legal proceedings pertaining to an election suit have been commenced, the House of Representatives cannot institute enquiries on the same matter

Article LXXX Until the disqualification of a Member has been proved, he shall not lose either his seat or his vote in the House In debates relating to enquiries into his own qualifications, a Member, though at liberty to offer explanations, cannot take part in voting thereon.

Chapter XVI Leave of Absence, Resignation and Substitutional Elections

Article LXXXI. The President of either House shall have the power to grant to Members a leave of absence for a period not exceeding a week As to leave of ab- [illegible]

Article LXXXII No Member of either House can absent himself from the meetings of the House or of a Committee, without forwarding to the President a notice setting forth proper reasons therefor.

Article LXXXIII The House of Representatives shall have power to accept the resignation of a Member.

Article LXXXIV. When, from any cause whatever, a vacancy occurs among the Members of the House of Representatives, the President shall report the fact to the Minister of State for Home Affairs, demanding a substitutional election

Chapter XVII. Discipline and Police

Article LXXXV. For the maintenance of discipline in either House during its session, the power of internal police shall be exercised by the President, in accordance with the present Law and such regulations as may be determined in the respective Houses.

Article LXXXVI. Police officials required by either House shall be provided by the Government and put under the direction of the President.

Article LXXXVII. When, during a meeting of the House, any member infringes the present Law or the rules of debate, or in any way disturbs the order of the House, the President shall either warn him, stop him, or order him to retract his remarks. When he fails to obey the order of the President, the latter shall have the power either to prohibit him from speaking during the remainder of the meeting, or to order him to leave the Hall.

Article LXXXVIII. When the House is in a state of excitement and it is found difficult to maintain order, the President shall have power either to suspend the meeting or close it for the day.

Article LXXXIX. When any stranger disturbs the debate, the President may order him to leave the House, and in case of necessity, may cause him to be handed over to a police authority.

When the strangers' gallery is in a state of commotion, the President may order all strangers to leave the House.

Article XC. When any person disturbs the order of the House, the Ministers of State, the Delegates of the Government and the Members may call the attention of the President thereto.

Article XCI. In neither House shall the utterance of expressions or the making of speeches, implying disrespect to the Imperial House be allowed.

Article XCII. In neither House shall the use of coarse language or personalities be allowed.

Article XCIII. When any member has been vilified or insulted either in the House or at a meeting of a Committee, he shall appeal to the House and demand that proper measures be taken. There shall be no retaliation among Members.

Chapter XVIII. Disciplinary Punishments

Article XCIV. Both Houses shall have the power to mete out disciplinary punishment to the respective Members.

Article XCV. In each House there shall be instituted a Committee on Disciplinary Punishment for making enquiries into cases inviting disciplinary measures.

When a case for disciplinary punishment occurs, the President shall, in the first place, instruct the Committee to enquire into the matter, and shall deliver sentence after having submitted the case to the consideration of the House.

When a case for disciplinary punishment occurs at a meeting of a Committee or in a Section, the Chairman of the Committee or the Chief of the Section shall report the matter to the President and demand measures to be taken thereon.

Article XCVI. Disciplinary punishments shall be as follows:

1. Reprimands at an open meeting of the House.
2. Expression by the offender of a proper apology at an open meeting of the House.
3. Suspension of the offender from presence in the House for a certain length of time.
4. Expulsion.

In the House of Representatives, expulsion shall be decided upon by a majority vote of more than two-thirds of the Members present.

Article XCVII. The House of Representatives shall have no power to deny a seat to a Member that has been expelled, when he shall have been re-elected.

Article XCVIII. Any Member shall, with the support of not less than twenty Members, have the right to make a motion for the infliction of a disciplinary punishment.

A motion for a disciplinary punishment shall be made within three days from the commission of the offense.

Article XCIX. When, for non-compliance, without substantial reasons, with the Imperial Proclamation of convocation within one week from the date specified therein, or for absence without good reasons from the meetings of the House or of a Committee, or for having exceeded the period of his leave of absence, a Member has received a summons from the President and still persists in delaying his appearance without good grounds for so doing for one week after the receipt of the said summons, he shall, in the House of Peers, be suspended from taking his seat, and the matter shall be submitted to the Emperor for His decision. In the House of Representatives, such a Member shall be expelled therefrom.

LIST OF MEMBERS OF SO-CALLED MATSUMOTO COMMITTEE

Position	Name	Principal position (at that time)	Career	Present position
Chairman	MATSUMOTO, Joji	*State Minister without portfolio*	1 *Professor of Law, Tokyo Imperial* University 2 President, Board of Legislation 3 Member, House of Peers 4 Minister of Com & Ind	Lawyer
Advisor	MINOBE, Tatsukichi	Professor Emeritus, Tokyo Imperial University	1 Professor of Law, Tokyo Imp Univ 2 Member, House of Peers 3 Privy Councillor 4 Chairman, National Election Management Commission	(Dead)
Advisor	SHIMIZU, Toru	Vice Chairman, Privy Council	1 Privy Councillor 2 Vice Chairman, Privy Council 3 Chairman, Privy Council	(Dead)
Advisor	NOMURA, Junji	Professor Emeritus, Tokyo Imp Univ	1 Professor of Law, Tokyo Imperial University	None
Member	KAWAMURA, Matasuke	Professor, Kyushu Imp Univ	1 Professor of Law, Tohoku Imperial University 2 Professor of Law, Kyushu Imperial University 3 Judge, Supreme Court	Judge, Supreme Court
Member	KIYOMIYA, Shiro	Professor, Tohoku Imp University	1 Professor of Law, Keijo Imp Univ 2 Professor of Law, Tohoku Imp Univ	Professor, Tohoku Univ
Member	MIYAZAWA, Toshiyoshi	Professor, Tokyo Imp Univ	1 Professor of Law, Tokyo Imp Univ	Professor, Tokyo Univ
Member	*KOBAYASHI, Jiro*	*Chief Secretary,* House of Peers	1 *Secretary, House of Peers* 2 Chief Secretary, House of Peers 3 Secretary General, House of Councillors	*Secretary* General, House of Councillors
Member	OIKE, Makoto	Chief Secretary, House of Representatives	1 Secretary, House of Rep 2 Chief Secretary, House of Rep 3 Secretary General, House of Rep	Secretary General, House of Representatives
Member	NARAHASHI, Wataru	President, Board of Legislation	1 Lawyer 2 Advisor of Tokyo City 3 Member, House of Representatives 4 President, Board of Legislation 5 Chief Secretary of Cabinet	Lawyer
Member	ISHIGURO, Takeshige	Chief Sec'y, Privy Council	1 Sec'y, Ministry of Agriculture and Forestry 2 Chief, Economic Rehabilitation Dept, Ministry of Agr and For 3 Governor, Yamagata Pref	None

Position	Name	Principal position (at that time)	Career	Prese
			4. Director, Textile Bureau, Ministry of Com. and Ind. 5. Dir., Trade Board, same Ministry. 6. Director, Price Board, same Ministry. 7. Vice Minister of Agr. and Forestry. 8. Chief Sec'y., Privy Council. 9. President, Board of Legislation. 10. Member, House of Representatives.	
Member	MOROHASHI, Noboru.	Chief Sec'y., Privy Council.	1. Secretary, Privy Council. 2. Chief, Sec'y Privy Council. 3. Member, House of Peers. 4. Chief, Legislative Dept., House of Representatives. 5. *Auditor, Board of Audit.*	Audito Audi
Member	IRIE, Toshio ..	Vice President, Board of Legislation.	1. Councillor, Board of Legislation. 2. *Vice President, same Board.* 3. President, same Board. 4. Member, House of Peers. 5. *Senior Specialist, National Diet Library.*	Senior Nati brary
Member	SATO, Tatsuo.	Councillor, Board of Legislation.	1. Councillor, Board of Legislation. 2. Vice President, same Board. 3. President, same Board. 4. Legislative Assistant to the Attorney General.	Legisla ant t ney (
Member	OKUNO, Kenichi	Director, Civil Affairs Bureau, Ministry of Justice.	1. Judge. 2. Director, Civil Affairs Bureau, Ministry of Justice. 3. *Litigation Assistant to the Attorney General.*	Litiga ant t ney (
Member	NAKAMURA, Tateki.	Director, Budget Bureau, Ministry of Finance.	1. Secretary Ministry of Finance. 2. Sec'y, Planning Board. 3. Sec'y, Ministry of Finance. 4. Navy Civilian Administrator General. 5. Director, Budget Bureau, Ministry of Finance.	None.
Member	NODA, Uichi	Director, Budget Bureau, Ministry of Finance.	1. Sec'y, Ministry of Finance. 2. Director, Foreign Funds Bureau, Ministry of Finance. 3. Director, Budget Bureau, same Ministry. 4. *Director General, Monopoly Bureau, same Ministry.* 5. Vice Minister of Finance.	Vice M nanc

(A) TENTATIVE REVISION OF THE CONSTITUTION

By Joji Matsumoto

(4 January 1946)

(1 The present draft gives only the Articles that have been revised, or deleted Parts, amended or added, are italicized Articles not italicized are unchanged but for certain omission or omissions

2 In order to facilitate comparison the original numbers for Articles are retained as far as possible, such numbers for additional Articles as XXX–II or LV–II are used simply for the purpose of indicating where they belong

3 When all the Articles are properly renumbered by numbering up some and numbering down others, the entire text of the revised Constitution will consist of 75 Articles)

Article III The Emperor is *exhalted* and inviolable

Article VII The Emperor convokes the Imperial Diet, opens, closes, and prorogues it

The Emperor dissolves the House of Representatives, *but he may not dissolve it over again for the one and same reason*

Article VIII The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances in the place of law *But in so doing, he shall consult the Diet Standing Committee in advance, according to the provisions of the Diet Law*

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the government shall declare them to be invalid for the future

Article IX The Emperor issues or causes to be issued the Orders necessary for executing the laws, *or for accomplishing administrative aims* But no Order shall in any way alter any of the existing laws

Article XI The Emperor has the supreme command of the *armed forces* The organization and peace standing of the armed forces shall be determined by law

Article XII The Emperor declares war and makes [illegible]

with the Diet Standing Committee as provided by law shall suffice. But in such a case, the action shall be laid before the Imperial Diet for approval at its next session

Article XIII. *The Emperor concludes various treaties, provided that in order to conclude treaties such as concerns the matters that must be determined by law, or that may place a serious burden on the State Treasury, he shall obtain prior approval of the Imperial Diet*

As regards the above provision, in case of emergency similar to that mentioned in Paragraph 2 of the preceding Article, the provision of the said Article shall apply

Article XV. The Emperor *awards honors*

Article XX. Japanese subjects are *amenable to military service*, according to the provisions of law

Article XXVIII Japanese subjects shall, within limits not prejudiced to peace and order, enjoy freedom of religious belief

Article XXXI All rights and liberties of Japanese subjects, besides those mentioned in the preceding several Articles, shall not be impaired in all circumstances except by law

Article XXXII. *Delete*

Article XXXIII The Imperial Diet shall consist of two Houses, a *House of Councillors* and a House of Representatives

Article XXXIV The House of Councillors shall, in *accordance with the provisions of the House of Councillors Law*, be composed of members *elected*, or appointed by the Emperor

[illegible]

Article XLII. A session of the Imperial Diet shall last during a period, *not less than three months*, as is provided for by the Diet Law. In case of necessity the session may be prolonged by Imperial Order.

Article XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary session The duration of an extraordinary session shall be determined by Imperial Order.

The members of both Houses may, with the concurrence of more than one-third of the total members of their respective Houses, may apply for convocation of an extraordinary session.

Article XLIV. The opening, closing, prolongation of the Imperial Diet, shall be effected simultaneously by both Houses.

In case the House of Representatives has been ordered to dissolve, the *House of Councillors* shall at the same time be *closed*

Article XLV When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the Imperial Diet shall be convoked *within three months* from the day of dissolution

Article XLVIII The deliberations of both Houses shall be held in public. The deliberations may, ho ever, *by decision of the respective Houses*, be held in sitting.

Article LIII Members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offenses connected with internal commotion or foreign trouble. *Any member who has been arrested prior to the*

session shall upon demand of the House be released for the duration of the session.

Article LV. The respective Ministers of State shall render assistance and advice to the Emperor, and be *responsible to the Imperial Diet with respect to all affairs of the State.*

All laws, Imperial Ordinances and Imperial Rescripts relating to the affairs of the State require the countersignature of a Minister of State. The same provision shall apply to those relating to the *Supreme Command of the armed forces.*

In case the House of Representatives has passed a vote of nonconfidence against a Minister of State, he shall not remain in office except in the case the House has been dissolved.

Article LV-ii. *The Cabinet shall be composed of the Ministers of State. The organization of the Cabinet shall be determined by law.*

Article LVI. The Privy Councillors shall deliberate upon important matters of State, when they have been consulted by the Emperor.

The Organization of the Privy Council shall be determined by law.

Article LVII. The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor. The organization of the Courts of Law shall be determined by law.

All cases of administrative litigation shall be under the jurisdiction of the Courts of Law, as provided for separately by law.

Article LXI. *Delete.*

Article LXV. The Budget shall be first laid before the House of Representatives. *A Budget passed by the House of Representatives shall not be amended by the House of Councillors for any increase thereof.*

Article LXVI. The expenditures of the *Inner Court* of the Imperial House shall be defrayed every year out of the National Treasury, according to a fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

Article LXVII. Such annual expenditures as may have arisen by the effect of law, or that appertain to the legal obligation of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government.

Article LXIX. In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided for.

In case any disbursement is to be made from the Budget to requirements unprovided for in the Budget, the Diet Standing Committee shall be consulted in advance according to the provisions of the Diet Law.

In case disbursements are to be made outside the Budget in order to supply deficiencies, which are unavoidable, in the Budget, or to meet requirements unprovided for in the same, the provisions of the preceding Paragraph shall also apply.

Article LXX. In case of urgent need for the maintenance of public safety, the Government, when the Imperial Diet cannot be convoked owing to the external and internal condition of the country, may take all the necessary financial measures through an Imperial Ordinance, *provided that the Diet Standing Committee shall be consulted in advance according to the provisions of the Diet Law.*

In the case mentioned in the preceding paragraph, the matter shall be submitted to the Imperial Diet at its next session, and its approval thereon shall be obtained.

Article LXXI. When the Imperial Diet has not voted on the budget, or when the budget has not been brought into actual existence, *the Government shall compile a provisional budget carried out according to the provisions of the Account Law, and carry it out until the regular budget is brought into existence.*

In the case mentioned in the preceding Paragraph, the Imperial Diet, if not in session, shall be speedily convoked, and the Provisional Budget shall be submitted to it for approval.

Article LXXIII. When it has become necessary to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by Imperial Order.

Members of both Houses may with the concurrence of not less than one half of the total members of their respective Houses, propose deliberation on the project.

In the case mentioned in the preceding two Paragraphs, neither House may open the debate, unless not less than two-thirds of the whole number of Members are present; *and no amendment may be passed, unless a majority of not less than two-thirds of the Members present is obtained.*

The Emperor approves the amendments to the Constitution passed by the Imperial Diet, *and orders the promulgation and enforcement thereof.*

Article LXXV. *Delete.*

Supplementary Rules

The Orders currently in force, which specify matters to be determined by law under the provision of the present constitution, shall remain valid until they are repealed or revised.

Of the present amendments to the Constitution, those under Articles VIII, XII, XIII, XXXIII, XXXIV, XXXIX-ii, XLII, XLIV, LV-ii, LVI, LVII, LXI, LXVI, LXIX, LXX, and LXXI, shall not come into effect until the necessary laws and orders are promulgated and enforced, and the provisions of the old laws shall meanwhile remain in force.

(B) TENTATIVE REVISION OF THE CONSTITUTION

By Joji Matsumoto

[illegible] ("Constitution of the Japanese Emp [illegible] "the Japanese people," "all Japanes [illegible] "Japanese "

Chapter I. The Emperor

Article I

A

The Emperor of a line unbroken through ages eternal combines in himself the rights of sovereignty, which he exercises according to the provisions of this Constitution

Delete Article IV.

B

Japan's sovereign rights are combined in the Emperor of a line unbroken through ages eternal, who exercises them in accordance with the provisions of this Constitution

Delete Article IV.

C

Japan shall be a monarchy headed by the Emperor of a line unbroken through ages eternal

Add Article The Emperor combines in himself the rights of sovereignty, and he exercises them according to the provisions of this Constitution

D

Japan shall be reigned over and governed by the Emperor of a line unbroken through ages eternal

Add Article The Emperor exercises the rights of sovereignty according to the provisions of this Constitution

Delete Article II

Article III

A

The Emperor is responsible to none in exercising the rights of sovereignty

Add Paragraph 2 The person of Emperor is inviolable

B

The Emperor is the head of the State, he is inviolable

C

The person of the Emperor is inviolable

Article IV. (See under Article I above)

Article V. *No revision*

Article VI The Emperor gives sanction to laws, and orders them to be promulgated

Article VII The Emperor convokes the National Diet, and orders the opening, closing and prorogation thereof.

The Emperor orders the dissolution of the House of Representatives But he may not order it dissolved again for the one and same reason.

Article VIII The Emperor, in the case of an urgent necessity to maintain public safety or to avert public calamities, issues, when the National Diet is not sitting, Imperial Ordinances in the place of law by consulting the Diet Standing Committee

Such Imperial Ordinances shall be laid before the National Diet at its next session, and when the Diet does not approve them, the government shall declare them to be invalid for the future.

Article IX. The Emperor issues, or causes to be issued, the Orders necessary for administrative purposes excepting on the matters which under this Constitution are to be determined by law. But no law may be altered by such Orders

Article X. The Emperor appoints and dismisses officials of the government.

Article XI *Delete*

Article XII. *Delete.*

Article XIII The Emperor concludes treaties But the conclusion of such treaties as relate to the matters which under this Constitution are to be determined by law, or which impose serious obligations upon the State, he shall obtain the approval of the National Diet

In the cases mentioned in the preceding Paragraph, where there exists an urgent necessity allowing no time for convocation of the Diet, consultation with the Diet Standing Committee shall suffice. In such a case, the treaty shall be submitted for approval to the National Diet at its next session.

A treaty takes the effect of law upon its promulgation.

Article XIV. *Delete*

Article XV The Emperor awards honors.

Article XVI. *No revision*

Article XVII *No revision*

Chapter 2 Rights and Duties of the People

Article XVIII *No revision*

Article XIX All Japanese may, according to qualifications determined in laws and ordinances, join civil service equally

Article XX. *Delete*

Article XXI. *No revision*

Article XXII All Japanese have the liberty of abode and of changing the same.

Such restrictions as are necessary for public interests shall be fixed by law.

Article XXIII. *No revision.*

Article XXIV. *No revision.*

Article XXV. The residence of all Japanese is inviolate. Such restrictions as are necessary for public interests shall be fixed by law.

Article XXVI. The secrecy of the letters of every Japanese is inviolate. Such restrictions as are necessary for public interests shall be fixed by law.

Article XXVII. *No revision.*

Article XXVIII. All Japanese shall enjoy freedom of religious belief.

Such restrictions as are necessary for public interests shall be fixed by law.

Article XXIX. All Japanese shall enjoy the liberty of speech, writing, publication, public meetings and associations.

Such restrictions as are necessary for public interests shall be fixed by law.

Article XXX. All Japanese may present petitions according to the provisions of the law.

Article XXX-2. All Japanese have the right and the obligation to acquire education as provided for by law.

Article XXX-3. All Japanese have the right and the obligation to work, as provided for by law.

Article XXX-4. The liberties or rights of no Japanese, other than those mentioned in the present chapter, shall be curtailed except as provided for by law.

Article XXXI. *Delete.*

Article XXXII. *Delete.*

Chapter 3. The National Diet

Article XXXIII. The National Diet shall consist of two Houses, a House of Representatives and a House of Councillors.

Article XXXIV.

A

The House of Representatives shall be composed of Members elected according to the principles of universal and equal suffrage and of direct and secret voting, as provided for by law.

B

The House of Representatives shall be composed of Members publicly elected according to the provisions of the law.

Article XXXV.

A

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, according to occupational fields, geographical areas, and learning and experience, as provided for by law.

B

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, from among occupational and regional representatives and persons of learning and experience, as provided for by law.

C

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, as provided for by law.

Article XXXVI. *No revision.*

Article XXXVII. *No revision.*

Article XXXVIII. *No revision.*

Article XXXIX. *No revision.*

Article XXXIX-2. A Bill which has been approved in the House of Representatives three times in succession by a majority of more than two-thirds of the total members of the House, and transmitted to the House of Councillors, shall be considered as having been approved by the National Diet regardless of what action the House of Councillors may, or may not, take upon the bill.

Article XL. *No revision.*

Article XLII. A session of the National Diet shall last not less than three months. The duration shall be fixed by law.

It may, if necessary, be prolonged by Imperial Order or by decision of the Diet.

Article XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

Members of both Houses, may with the concurrence of more than one-third of the total members of their respective Houses, demand convocation of the Diet.

The duration of an extraordinary session shall be fixed by Imperial Order. It may, if necessary, be prolonged by Imperial Order, or by decision of the Diet.

Article XLIV. The opening, closing, prolongation of session and prorogation of the National Diet shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve, the House of Councillors shall at the same time be closed.

Article XLV. When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and an extraordinary session shall be convoked within three months from the day of dissolution, unless an ordinary session is convoked within the period.

Article XLVI. *No revision.*

Article XLVII. *No revision.*

Article XLVIII. The Deliberations of both Houses shall be held in public. But they may, by resolution of the House, be held in secret sitting.

Article XLIX. *No revision.*

Article L. *No revision.*

Article LI. *No revision.*

Article LII. *No revision.*

Article LIII. No member of either Houses, shall, during a session, be arrested without the consent of his House, except in cases of flagrant delicts, or of offenses connected with a state of internal commotion or with a

foreign trouble Any member, who has been arrested prior to the session shall be set free, if so demanded by his House

Article LIV. *No revision*

Article LIV–2 There shall be established in the National Diet a Standing Committee in accordance with the provisions of the Diet Law.

Chapter 4. The Ministers of State

Article LV. The respective Ministers of State shall give their advice to the Emperor, and be responsible for it

All Laws, Imperial Ordinances and Imperial Rescripts that relates to the affairs of the State, require the counter-signature of a Minister of State

(Add a third paragraph) A Minister of State, on whom the House of Representatives has passed a vote of non-confidence, shall not remain in office except in the case of a dissolution of the House

Article LV–2 The Ministers of State compose the Cabinet

The organization of the Cabinet shall be determined by law

Article LVI *Delete*

Chapter 5. The Judicature

Article LVII *No revision*
Article LVIII *No revision*
Article LIX *No revision*
Article LX *No revision*
Article LXI

A

All suits at law relating to administrative matters shall come within the competency of the Courts, as provided for separately by law

B

(Add a second paragraph to article LVII) All suits at law relating to administrative matters shall come within the competency of the Courts, as provided for separately by law

Chapter 6 Finance

Article LXII *No revision*

Article LXIII *No revision*

Article LXV First paragraph *No revision*

Add a second paragraph· No revision for an increase shall be made by the House of Councillors on a budget transmitted by the House of Representatives

Article LXVI The Expenditures of the Inner Court of the Imperial House shall be defrayed every year out of the National Treasury, according to a fixed amount, and shall not require the approval of the Diet, except in case an increase thereof is found necessary

Article LXVII *Delete the following passage* "Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and"

Article LXVIII *No revision*

Article LXIX (First Paragraph) *No revision*

Add the following Paragraphs

(Second Paragraph) In order to apply the Reserve Fund to necessary expenditures, that have arisen outside the Budget, the Diet Standing Committee shall be consulted

(Third Paragraph) When disbursements are made from the Reserve Fund, the approval of the Diet shall be obtained later

Article LXX *(First Paragraph)* In case there has arisen urgent need for the maintenance of public safety, and when the National Diet cannot be convoked owing to the external or internal condition of the country, the government may, after consultation with the Diet Standing Committee, take all necessary financial measures by means of an Imperial Ordinance

(Second Paragraph) *No revision*

Article LXXI

A

(First Paragraph) When the Budget has not been brought into actual existence the government shall [illegible]

compile the Budget for the year excepting the items provided for in the Provisional Budget, and obtain the approval thereto of the Diet

(Second Paragraph) The Provisional Budget mentioned in the preceding Paragraph, shall be submitted to the Diet for approval

B

(First Paragraph·) When the Budget has not been brought into actual existence before the commencement of the fiscal year, the government shall compile a Provisional Budget, as provided for in the Account Law, and execute the same until the Budget is brought into existence

(Second Paragraph) In the case mentioned in the preceding Paragraph, the National Diet, if not in session, shall be speedily convoked, and the Budget for the year submitted to it

Article LXXII. *No revision.*

Article XXV. The residence of all Japanese is inviolate. Such restrictions as are necessary for public interests shall be fixed by law.

Article XXVI. The secrecy of the letters of every Japanese is inviolate. Such restrictions as are necessary for public interests shall be fixed by law.

Article XXVII. *No revision.*

Article XXVIII. All Japanese shall enjoy freedom of religious belief.

Such restrictions as are necessary for public interests shall be fixed by law.

Article XXIX. All Japanese shall enjoy the liberty of speech, writing, publication, public meetings and associations.

Such restrictions as are necessary for public interests shall be fixed by law.

Article XXX. All Japanese may present petitions according to the provisions of the law.

Article XXX–2. All Japanese have the right and the obligation to acquire education as provided for by law.

Article XXX–3. All Japanese have the right and the obligation to work, as provided for by law.

Article XXX–4. The liberties or rights of no Japanese, other than those mentioned in the present chapter, shall be curtailed except as provided for by law.

Article XXXI. *Delete.*

Article XXXII. *Delete.*

Chapter 3. The National Diet

Article XXXIII. The National Diet shall consist of two Houses, a House of Representatives and a House of Councillors.

Article XXXIV.

A

The House of Representatives shall be composed of Members elected according to the principles of universal and equal suffrage and of direct and secret voting, as provided for by law.

B

The House of Representatives shall be composed of Members publicly elected according to the provisions of the law.

Article XXXV.

A

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, according to occupational fields, geographical areas, and learning and experience, as provided for by law.

B

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, from among occupational and regional representatives and persons of learning and experience, as provided for by law.

C

The House of Councillors shall be composed of Members elected publicly, or appointed by the Emperor, as provided for by law.

Article XXXVI. *No revision.*

Article XXXVII. *No revision.*

Article XXXVIII. *No revision.*

Article XXXIX. *No revision.*

Article XXXIX–2. A Bill which has been approved in the House of Representatives three times in succession by a majority of more than two-thirds of the total members of the House, and transmitted to the House of Councillors, shall be considered as having been approved by the National Diet regardless of what action the House of Councillors may, or may not, take upon the bill.

Article XL. *No revision.*

Article XLII. A session of the National Diet shall last not less than three months. The duration shall be fixed by law.

It may, if necessary, be prolonged by Imperial Order or by decision of the Diet.

Article XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

Members of both Houses, may with the concurrence of more than one-third of the total members of their respective Houses, demand convocation of the Diet.

The duration of an extraordinary session shall be fixed by Imperial Order. It may, if necessary, be prolonged by Imperial Order, or by decision of the Diet.

Article XLIV. The opening, closing, prolongation of session and prorogation of the National Diet shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve, the House of Councillors shall at the same time be closed.

Article XLV. When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and an extraordinary session shall be convoked within three months from the day of dissolution, unless an ordinary session is convoked within the period.

Article XLVI. *No revision.*

Article XLVII. *No revision.*

Article XLVIII. The Deliberations of both Houses shall be held in public. But they may, by resolution of the House, be held in secret sitting.

Article XLIX. *No revision.*

Article L. *No revision.*

Article LI. *No revision.*

Article LII. *No revision.*

Article LIII. No member of either Houses, shall, during a session, be arrested without the consent of his House, except in cases of flagrant delicts, or of offenses connected with a state of internal commotion or with a

foreign trouble Any member, who has been arrested prior to the session shall be set free, if so demanded by his House

Article LIV. *No revision*

Article LIV-2 There shall be established in the National Diet a Standing Committee in accordance with the provisions of the Diet Law

Chapter 4. The Ministers of State

Article LV. The respective Ministers of State shall give their advice to the Emperor, and be responsible for it

All Laws, Imperial Ordinances and Imperial Rescripts that relates to the affairs of the State, require the counter-signature of a Minister of State

(*Add a third paragraph*) A Minister of State, on whom the House of Representatives has passed a vote of non-confidence, shall not remain in office except in the case of a dissolution of the House

Article LV-2 The Ministers of State compose the Cabinet

The organization of the Cabinet shall be determined by law

Article LVI *Delete*

Chapter 5. The Judicature

Article LVII *No revision*
Article LVIII *No revision*
Article LIX. *No revision*
Article LX. *No revision*
Article LXI.

A

All suits at law relating to administrative matters shall come within the competency of the Courts, as pro[illegible] vided for separately by law

B

(Add a second paragraph to article LVII) [illegible] at law relating to administrative matters shall [illegible] within the competency of the Courts, as provi[illegible] separately by law.

Chapter 6 Finance

Article LXII *No revision*
Article LXIII. *No revision*
Article LXV. First paragraph *No revision*

Add a second paragraph No revision for an increase shall be made by the House of Councillors on a budget transmitted by the House of Representatives

Article LXVI. The Expenditures of the Inner Court of the Imperial House shall be defrayed every year out of the National Treasury, according to a fixed amount, and shall not require the approval of the Diet, except in case an increase thereof is found necessary

Article LXVII. *Delete the following passage* "Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and"

Article LXVIII *No revision*

Article LXIX. (First Paragraph) *No revision.*

Add the following Paragraphs

(*Second Paragraph*) In order to apply the Reserve Fund to necessary expenditures, that have arisen outside the Budget, the Diet Standing Committee shall be consulted

(*Third Paragraph*) When disbursements are made from the Reserve Fund, the approval of the Diet shall be obtained later

Article LXX (*First Paragraph*) In case there has arisen urgent need for the maintenance of public safety, and when the National Diet cannot be convoked owing to the external or internal condition of the country, the government may, after consultation with the Diet Standing Committee, take all necessary [illegible] means of an Imperial Ordinance [illegible] o

(*Second Paragraph*) *No revision*

Article LXXI

A

(*First Paragraph*) When the [illegible] ng,
brought into actual existence [illegible] : the
draw up and execute a Provi[illegible] public
not exceeding three months [illegible] libera-
one-twelfth of the Budget [illegible] dinance
month In this case, the [illegible] hce they
compile the Budget for the [illegible] rm) the
vided for in the Provi[illegible]
proval thereto of the D[illegible] essary for
(*Second Paragra*[illegible] of admin-
tioned in the [illegible] ls How-
to the Diet for [illegible] will be de-

(*First Par*[illegible] eme com-
brought [illegible]
of the [illegible] at the
visional [illegible]
[illegible]

Chapter 7. Supplementary Rules

Article LXXIII. (*First Paragraph:*) *No revision.*

(*Second Paragraph:*) Members of both houses may with the concurrence of more than one-third of the total members of their respective Houses submit a project for revision of this Constitution.

(*Third Paragraph:*) In the cases mentioned in the preceding two Paragraphs, neither House can open the debate, unless not less than two-thirds of the whole number of members are present, and no amendment can be passed unless a majority of not less than two-thirds of members present is obtained.

(*Fourth Paragraph:*) The Emperor gives sanction to amendments to the Constitution and causes the same to be promulgated.

Article LXXIV. *No revision.*

Article LXXV. *No revision.*

Article LXXVI. *No revision.*

THE TENTATIVE PLAN OF THE CONSTITUTIONAL PROBLEM INVESTIGATION COMMITTEE

Mainichi Shimbun

1 February 1946

[illegible]

draft was completed at the committee on 26 January and is to be decided at the plenary meeting on 2 February.

The Government is speeding up its decision to submit the draft of the revised constitution to the Allied Headquarters and the Far East Committee, and *urgently introduced it to the extraordinary Cabinet meeting with State Minister* Matsumoto's explanation article by article on 30 January Ministers expressed their opinions actively and debated on it at the extraordinary Cabinet meeting on 31 January

Constitutional Investigation Committee Provisional Draft, Published in the Mainichi Shimbun, February 1, 1946 (Tentative Translation)

Chapter I

The Emperor

Article 1 Japan is a *monarchy* "Absolute in light of remaining provisions "

Article 2 The Emperor is the monarch and exercises the rights of sovereignty according to provisions of present constitution

Article 3 Imperial Throne shall be succeeded to by Imperial male descendants unbroken for ages eternal *according to the provisions of the Imperial House Law*

Article 4 The Emperor assumes no responsibilities for his actions (One possible rendition of this reads The Emperor shall not be punished for his actions ")

Article 5 (Same as present constitution) *The Emperor exercises the legislative power with* the consent of the Imperial Diet

Leaves Emperor free to act without controls

Article 6 (Unchanged.) The Emperor gives sanction to laws and orders them to be promulgated and executed

Article 7 The Emperor shall convene the Diet and he shall order the opening, closing and prorogation of the Diet Session and he shall order the dissolution of the Diet

Without control

Article 8 The Emperor in consequence of the need for the maintenance of public [illegible]

public

Article 9 The Emperor issues or causes to be issued ordinances necessary for carrying out of the law However, he cannot order the change of a law.

Acts clearly as the Executive

Article 10 The Emperor determines the organization of all branches of administration and the salaries, appointments and dismissal of all civil officials However, in special cases that apply to this constitution or other laws they will be de- [illegible]

Absolute executive power

[illegible]

upon the state require the approval of the Diet

No control by Cabinet

The Emperor orders the promulgation and execution of treaties.

Treaties become effective as laws with promulgation

Article 14 (Deleted) This article states that the Emperor declares a state of seige

Executive Power.

Article 15. The Emperor confers marks of honor.

Article 16. (Unchanged.) The Emperor orders amnesty, pardon, commutatio of punishments and rehabilitation.

Article 17. (Unchanged.) A Regency shall be instituted in conformity with th *provisions of the Imperial House Law.*

The Regent shall exercise the powers appertaining to the Emperor in his name

Chapter II

Rights and Duties of Subjects

Article 18. (Unchanged.) The Conditions necessary for being a Japanese subjec shall be determined by law.

Article 19. Japanese subjects are equal before the law. Japanese subjects ma according to qualifications determined in laws and ordinances, be appointed to civi or any other public office without discrimination.

Article 20. Japanese subjects are eligible for honorary appointments and othe public offices according to provisions of the law.

Article 21. (Unchanged.) Japanese subjects are amenable to the duty of payin taxes, according to the provisions of law.

Article 22. Japanese subjects shall have the liberty of abode and of changin the same as well as the liberty of occupational choice.

Objections no right of *Habeas corpus.*

Restrictions required for public welfare shall be determined by law.

Article 23. (Unchanged.) No Japanese subject shall be arrested, detained, trie or punished, unless according to law.

No protection for accused *person.*

Article 24. (Unchanged.) No Japanese subject shall be deprived of his right o being tried by the judges determined by law.

No guarantee of speedy trial.

Article 25. No Japanese subject shall have his residence invaded and the restriction necessary to maintain public peace shall be under the provisions of the law.

No protection against forcible self-incrimination.

Article 26. Any Japanese subject shall not be violated as regards privacy of personal correspondence, and the restrictions necessary to maintain public peace shall be under the provisions of the law.

Article 27. (Unchanged.) The right of property of every Japanese subject shall remain inviolate.

No protection to other persons than Japanese subjects.

Measures necessary to be taken for the public benefit shall be provided for by law.

All provisions are subject to being negated by "law," etc.

Article 28. Every Japanese subject shall have freedom of religious belief and the *restrictions necessary to maintain public peace* shall be under the provisions of the law.

The special privileges that every shrine has ever had shall be abolished.

Article 29. Every Japanese subject shall have freedom of speech, writing, publishing, meeting and association and the restrictions necessary to maintain public peace shall be *under the provisions of the law.*

No absolute freedom of speech, religion, etc.

Article 30. Every Japanese subject shall be allowed to petition under the provisions of the law.

Every Japanese subject shall have a right and duty to receive education under the provisions of the law.

Every Japanese subject shall have the right and duty of labor under the provisions of the law.

Every Japanese subject shall not have his freedom and right invaded without recourse to law except on the matters mentioned in this chapter.

Article 31. (Deleted.) States that the provisions contained in the present chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of national emergency.

Article 32. (Unchanged.) Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

Chapter III

The Imperial Diet

Article 33 *The Imperial Diet shall consist of two Houses, the House of State* Councillors (Sengi in) and the House of Representatives

Article 34 The House of State Councillors shall be organized by the members elected by every local deliberative assembly and the members who are the representatives of various occupations under the provisions of the House of State Councillors Law

With regulatory power vested in the Home Ministry.

Article 35 The House of Representatives shall be organized by the members elected in accordance with the fundamental principles of liberty, equality, fairness and secrecy *under the provisions of the Election Law*

Article 36 (Unchanged) No one can at one and the same time be a Member of both Houses

Article 37 (Unchanged) *Every law requires the consent of the Imperial Diet* "No provision for executive veto—may be a negative power when read with Article 40 "

Article 38 (Unchanged) Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law

Article 39 (Unchanged) A Bill, which has been rejected by either the one or [illegible]

Wholly inconsistent with article 37

[illegible] are not accepted, they cannot be made a second time during the same session.

Article 41 (Unchanged) *The Imperial Diet shall be convoked every year* Indefinite

Article 42 The Imperial Diet shall have a session of *three months* If necessary, the session shall be prolonged through an Imperial Ordinance or decision of each House

Article 43 If extraordinarily and urgently necessary, in addition to a regular session, an extraordinary session shall be convoked

Amounts to a concurrent power with the Emperor to prolong session

Both Houses shall be allowed to *ask* convocation of an extraordinary session through agreement of more than one-third of the members of each House

The session of an extraordinary Diet shall be fixed by an Imperial ordinance

If necessary, the session shall be prolonged through an Imperial ordinance or decision of each House

Article 44 (Unchanged) The opening, closing, prolongation of session and prorogation of the Imperial Diet, *shall be effected simultaneously for both Houses*

No provision for dissolution of the Diet

If one House should be ordered to be dissolved the other one shall be naturally closed [illegible]

during that period

One third constitutes quorum

Article 46 (Unchanged) No debate can be opened and no vote can be taken in [illegible] less than one third of the whole number [illegible]

jects.

Article 51 (Unchanged) Both Houses may enact, besides what is provided for

Executive Power.

Article 15. The Emperor confers marks of honor.

Article 16. (Unchanged.) The Emperor orders amnesty, pardon, commutation of punishments and rehabilitation.

Article 17. (Unchanged.) A Regency shall be instituted in conformity with the *provisions of the Imperial House Law.*

The Regent shall exercise the powers appertaining to the Emperor in his name.

Chapter II

Rights and Duties of Subjects

Article 18. (Unchanged.) The Conditions necessary for being a Japanese subject shall be determined by law.

Article 19. Japanese subjects are equal before the law. Japanese subjects may according to qualifications determined in laws and ordinances, be appointed to civil or any other public office without discrimination.

Article 20. Japanese subjects are eligible for honorary appointments and other public offices according to provisions of the law.

Article 21. (Unchanged.) Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

Article 22. Japanese subjects shall have the liberty of abode and of changing the same as well as the liberty of occupational choice.

Objections no right of *Habeas corpus.*

Restrictions required for public welfare shall be determined by law.

Article 23. (Unchanged.) No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

No protection for accused *person.*

Article 24. (Unchanged.) No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

No guarantee of speedy trial.

Article 25. No Japanese subject shall have his residence invaded and the restriction necessary to maintain public peace shall be under the provisions of the law.

Article 26. Any Japanese subject shall not be violated as regards privacy of personal correspondence, and the restrictions necessary to maintain public peace shall be under the provisions of the law.

No protection against forcible self-incrimination.

Article 27. (Unchanged.) The right of property of every Japanese subject shall remain inviolate.

Measures necessary to be taken for the public benefit shall be provided for by law.

No protection to other persons than Japanese subjects.

Article 28. Every Japanese subject shall have freedom of religious belief and the *restrictions necessary to maintain public peace* shall be under the provisions of the law.

All provisions are subject to being negated by "law," etc.

The special privileges that every shrine has ever had shall be abolished.

Article 29. Every Japanese subject shall have freedom of speech, writing, publishing, meeting and association and the restrictions necessary to maintain public peace shall be *under the provisions of the law.*

Article 30. Every Japanese subject shall be allowed to petition under the provisions of the law.

No absolute freedom of speech, religion, etc.

Every Japanese subject shall have a right and duty to receive education under the provisions of the law.

Every Japanese subject shall have the right and duty of labor under the provisions of the law.

Every Japanese subject shall not have his freedom and right invaded without recourse to law except on the matters mentioned in this chapter.

Article 31. (Deleted.) States that the provisions contained in the present chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of national emergency.

Article 32. (Unchanged.) Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

Chapter III

The Imperial Diet

Article 33 The Imperial Diet ...

[illegible]

tives of various occupations under the provisions of the House of State Councillors Law

With regulatory power vested in the Home Ministry.

Article 35 The House of Representatives shall be organized by the members elected in accordance with the fundamental principles of liberty, equality, fairness and secrecy *under the provisions of the Election Law*

Article 36 (Unchanged) No one can at one and the same time be a Member of both Houses

Article 37 (Unchanged) *Every law requires the consent of the Imperial Diet* "No provision for executive veto—may be a negative power when read with Article 40 "

Article 38 (Unchanged) Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

Article 39 (Unchanged) A Bill, which has been rejected by either the one or the other of the two Houses, shall not be again brought in during the same session

Wholly inconsistent with article 37

Article 40 (Unchanged) Both Houses can make representations to the *government*, as to laws or upon any other subject When, however, such representations are not accepted, they cannot be made a second time during the same session

Article 41 (Unchanged) *The Imperial Diet shall be convoked every year* Indefinite

Article 42 The Imperial Diet shall have a session of *three months* If necessary, the session shall be prolonged through an Imperial Ordinance or decision of each House

Article 43 If extraordinarily and urgently necessary, in addition to a regular session, an extraordinary session shall be convoked

Both Houses shall be allowed to *ask* convocation of an extraordinary session through agreement of more than one-third of the members of each House

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If necessary, the session shall be prolonged through an Imperial ordinance or decision of each House

Article 44 (Unchanged) The opening, closing, prolongation of session and prorogation of the Imperial Diet, shall be effected simultaneously for both Houses

No provision for dissolution of the Diet

If one House should be ordered to be dissolved the other one shall be naturally closed

Article 45 If the House should be ordered to be dissolved, its members shall be immediately changed and an extraordinary session shall be convoked within three months from the day of dissolution

This rule, however, shall not be applicable when a regular session is convoked during that period

One-third constitutes quorum

Article 46 (Unchanged) No debate can be opened and no vote can be taken in either House of the Imperial Diet, unless not less than one-third of the whole number of its Members thereof are present

[illegible] by resolution

[illegible] respectively

Article 50 (Unchanged.) Both Houses may receive petitions presented by subjects

Article 51 (Unchanged) Both Houses may enact, besides what is provided for

in the present Constitution and in the *Law of the Houses*, rules necessary for the management of their internal affairs.

Article 52. (Unchanged.) No Member of either House shall be held responsible outside the respective Houses, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, by documents in print or in writing, or by any other similar means, he shall, in the matter, be amenable to the general law.

Article 53. The members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offenses connected with a state of internal commotion or with a foreign trouble.

(Addition.) Members arrested prior to opening of session may be released during the session when requested by the House.

Article 54. (Unchanged.) The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

The Investigation Committee of the Imperial Diet shall be established in the Imperial Diet under the provisions of the *Parliamentary Law.*

The Investigation Committee of the Imperial Diet shall be organized by the members of both Houses.

Even if every committeeman should lose his post as a member of the Diet on account of the expiration of his term of office or dissolution, he shall continue his duty till the successor takes up his post.

Chapter IV

The Ministers of State and the *Privy Council*

Article 55. Every state minister shall give his advice to the Emperor and be responsible for him.

(Unchanged.) All Laws, Imperial Ordinances and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the countersignature of a Minister of State.

Every state minister shall need the confidence of the Imperial Diet on his being in office.

Sets up an invincibility of Ministers. Gives Emperor sole power to dissolve the Diet.

If one House should decide the want of confidence in any state minister, *the government* shall be allowed to petition to *the Emperor* to dissolve that House. However, if that House should decide the want of confidence in him again at the next session, that state minister shall retire from office.

Article 56. All the state ministers shall organize a cabinet. The system and official powers shall be fixed by the law.

Chapter V

The Judicature

Article 57. (Unchanged.) The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor.

The organization of the Courts of Law shall be determined by law.

No safeguards for independent judiciary.

Article 58. (Unchanged.) The judges shall be appointed from among those who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

Article 59. (Unchanged.) Trials and judgments of a court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the Court of Law.

Article 60. (Unchanged.) All matters that fall within the competency of a special Court shall be specially provided for by law.

Article 61. Every law suit against any administrative government office for infringement on rights by illegal measures or any other law suits concerning administrative affairs shall fall under the jurisdiction of a judicial court.

Chapter VI
Finance

Article 62 (Unchanged) The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law

However, all such administrative fees or other revenue having the nature of compensation *shall not* fall within the category of the above clause

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet.

Article 63 (Unchanged) The taxes levied at present shall, insofar as they are not remodelled by a new law, be collected according to the old system

Article 64 (Unchanged) The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual budget

[illegible]

Representatives

If the House of Representatives should remove or eliminate any article or item of the budget, the House of State Councillors shall not be allowed to restore it

Article 66 The expenses of the Imperial Court shall be paid out of the Treasury every year at the especially fixed *constant sum*, and *approval of the Imperial Diet shall be unnecessary* except where the increase of the sum be necessary

Article 67 "The determined annual expenditure based on constitutional sovereignty" is eliminated.

Article 68 (Unchanged) In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years

Article 68 (Unchanged) In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget

Where a reserve fund be appropriated for necessary expenditure other than by the budget, a debate at the Investigation Committee of the Imperial Diet shall be necessary

If a reserve fund should be paid, it shall be necessary to ask approval of the Imperial Diet later

Article 70 "Though the debate of the Investigation Committee of the Imperial Diet" is added after "If impossible "

Provision negates the authority of the Diet to establish the budget

Article 71 If the budget should fail to secure Parliamentary approval within [illegible] the period of 3 [illegible]

the Government shall make and enforce a temporary budget according to item 1. [illegible]

The organization and competency of the Board of Audit shall be determined by law separately.

Leaves absolute power of constitutional revision in hands of the Emperor as he alone can submit proposed revisions to the Diet. Should it fail to pass measure the Emperor still has the power by Imperial Ordinance.

Chapter VII
Supplementary Rules

Article 73. (Unchanged.) When it has become necessary in future to amend the provisions of the present Constitution, a project to the effect shall be submitted to the Imperial Diet by *Imperial Order.*

The members of both Houses shall be *allowed to propose a revision of the Constitution* through agreement of more than one-third of all the members of each House.

Both Houses shall not be allowed to debate on the revision of the constitution, if more than two-thirds of the members of each House should not be present. Both Houses shall not be allowed to decide the revision if more than two-thirds should not agree.

The Emperor shall sanction the revision of the constitution decided at the Imperial Diet and order its promulgation and enforcement.

Article 74. (Unchanged.) No modification of the *Imperial House Law* shall be required to be submitted to the deliberation of the Imperial Diet.

No provision of the present Constitution can be modified by the Imperial House Law.

Article 75. (Unchanged.) No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

Article 76. (Unchanged.) Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.

All existing contracts or orders, that entail obligations upon the Government, and that are connected with expenditure, shall come within the scope of Art. LXVII.

GIST OF THE REVISION OF THE CONSTITUTION

Chapter I The Emperor

1 Article 3 which now reads "The Emperor is sacred and inviolable" shall be changed to "The Emperor is supreme and inviolable"

2. A provision shall be made to preclude the dissolution of the House of Representatives provided for in Article 7 being ordered repeatedly for one and the same cause

3 It shall be provided that the urgent Imperial Ordinances mentioned in Article 8 must, before being issued, be referred to the Permanent Committee of the Imperial Diet in accordance with the provisions of the Diet Law

4 The part of Article 9 which now reads "Ordinances necessary for the maintenance of public *peace and order, and for the promotion of the welfare* of the subjects" shall be changed to "ordinances necessary for the attainment of the objects of administration (Cf No 10 of Outline)

5 The part of Article 11 which now reads "the Army and Navy" shall be changed to "the armed forces", and Article 12 shall be revised so as to provide that the organization and peace standing of the armed forces shall be determined by law (Cf No 20 of Outline)

6 The provisions of Article 13 shall be revised so as to provide that the Imperial prerogative of making war and peace, and of concluding treaties concerning matters which must be determined by law or treaties which imposes a *grave* duty upon the state requires the consent of the Imperial Diet, but that where, by reason of circumstances internal or external, there exists a necessity of such urgent nature that it is impossible to await the convocation of the Imperial Diet, it shall be sufficient to refer such matters to the Permanent Committee of the Imperial Diet In such case a report shall duly be made *to the Imperial Diet at its next session and its approval* obtained thereto

7 Article 15 which now reads "The Emperor confers titles of nobility, rank, orders and other marks of honor" shall be changed to "The Emperor confers marks of honor"

Chapter II Rights and Duties of Subjects

8 The phrase 'amenable to service in the Army or Navy" in Article 20 shall be changed to "amenable to service in the public interest"

9 Article 28 shall be revised so as to provide that *Japanese subjects shall, within limits not prejudicial to* peace and order, enjoy freedom of religious belief

10 A provision shall be made to the effect that in addition to the cases mentioned in the present Chapter, no restrictions of whatever nature may be imposed upon the freedom and rights of Japanese subjects except by law

11 The provisions of Article 31 concerning the emer*gency authority of the Emperor shall be deleted*

12 Article 32 containing provisions concerning military and naval personnel shall be deleted

Chapter III The Imperial Diet

13 *In article 33 et seq*, the term "the House of Peers' shall be changed to "the House of Senators"

14 Article 34 shall be revised so as to provide that the House of Senators shall be composed of members who have been elected thereto and of those who have been appointed thereto by the Emperor, in accordance with the Law concerning the House of Senators

15 *A provision shall be made to the effect* that a draft law which has been passed by the House of Representatives three times in succession by at least a two-thirds majority of all its members, upon being submitted to the House of Senators, be deemed to have obtained the consent of the Imperial Diet irrespective of whether or not it is voted upon by the House of Senators

16 The period of 'three *months" provided for in* article 42 as the duration of a session of the Imperial Diet shall be changed to 'a period of not less than three months to be determined by the Law concerning the Imperial Diet"

17 The period "within five months" provided for in article 45 as the period within which the House of Representatives is required to be convoked subsequent to its dissolution shall be changed to "within three months"

18 The proviso of Article 48 shall be revised so as to provide that the deliberations of either House may be held in secret session only in pursuance of a resolution of the House concerned.

19 A provision shall be made to the effect that a member of either House who has been arrested prior to the opening of the Imperial Diet session shall be released *during such session if his release is demanded by the* House to which he belongs.

Chapter IV. The Ministers of State and the Privy Council

20. The first paragraph of Article 55 shall be revised so as to provide that the respective Ministers of State shall act in an advisory capacity to the Emperor and be responsible to the Imperial Diet, even as regards the supreme command of the armed forces.

21. A provision shall be made to the effect that when the House of Representatives has passed a vote of non-confidence against any Minister of State, such Minister may not remain in office except in cases where the House has been dissolved. (Cf. No. 2 of the Outline.)

22. A provision shall be made to the effect that the Cabinet shall be made up of all the Ministers of State, and that the organization of the Cabinet shall be determined by law.

23. A provision shall be made to the effect that the organization of the Privy Council shall be determined by law.

Chapter V. The Judicature

24. Article 61 shall be revised so as to provide that litigations involving administrative matters shall come within the jurisdiction of Courts of Law (i. e., rather than of Courts of Administrative Litigation) in accordance with other laws governing such matters.

Chapter VI Finance

25. A provision shall be made to the effect that the House of Senators may not affect an amendment which increases the amount of a budget already passed by the House of Representatives.

26. Article 66 shall be revised so as to provide that of the expenditures of the Imperial Household, the expenditures of the Imperial Court, and those only, shall be defrayed each year from the national treasury without the necessity of obtaining the consent of the Imperial Diet, except in cases where such expenditures are to be increased.

27. Article 67 shall be revised so as to provide that the Imperial Diet may, even without the concurrence of the Government, reject or reduce those expenditures already fixed which are based by the Constitution upon the powers appertaining to the Emperor.

28. A provision shall be made to the effect that in cases where a reserve fund is to be applied to defray any necessary expenditures not included in the budget, as well as where payments are to be made otherwise than out of a reserve fund to cover unavoidable deficiencies in the budget or to meet necessary expenditures not included in the budget, such cases shall be referred to the Permanent Committee of the Imperial Diet.

29. It shall be provided that the emergency financial measures provided for in Article 70 must be referred to the Permanent Committee of the Imperial Diet.

30. Article 71 shall be revised so as to provide that in cases where the budget has not been passed, the Government shall prepare a tentative budget in accordance with the provisions of the Finance Law and shall carry out such tentative budget pending the passage of the (regular) budget. If in such cases the Diet is not in session, the Government shall forthwith convoke the Diet and submit thereto for approval the tentative budget, together with the budget for that year.

Chapter VII. Supplementary Rules

31. A provision shall be made to the effect that a member of either House may, with the concurrence of not less than one-half of all the members of the House to which he belongs, introduce a motion for revision of the Constitution.

32. A provision shall be made to the effect that the Emperor sanctions any constitutional revision passed by the Imperial Diet and orders its promulgation and enforcement.

33. Article 75 governing restrictions on the modification of the Constitution and of the Imperial House Law shall be deleted.

34. Provisions necessary for the enforcement of all the revised provisions of the Constitution above-mentioned shall be made.

GENERAL EXPLANATION OF THE CONSTITUTIONAL REVISION DRAFTED BY THE GOVERNMENT

I Paragraph 10 of the Potsdam Declaration contains the following statement· "The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people The freedom of speech, of religion, and of thought as well as respect for the fundamental human rights shall be established "

The Japanese Government, in order to comply with the purport of the said Declaration, addressed itself to the task of revising the Constitution, which was promulgated on February 11, 1889, and has come down to this day without having undergone a single revision The fundamental spirit of the present draft revision of the Constitution is therefore to render the Constitution more democratic and to facilitate complete attainment of the object of Paragraph 10 of the Potsdam Declaration *above-mentioned*

II In the task of drafting a revision of the Constitution on the basis of the fundamental spirit as mentioned in the preceding paragraph, the first problem encountered is the question as to whether the so-called "Emperor system" should be retained or abolished Considering the fact that Japan has been reigned over by a line of Emperors unbroken from the very beginning of our national history, there is no room for doubt but that an overwhelming majority of our people are strongly desirous of retaining the system That is the reason why the draft revision proposes to maintain a system wherein the Emperor exercises sovereign power, rather than to adopt a republican form of government with a president at its head, or so-called presidential democracy "

However, the present draft revision stipulates first, that the authority of the Emperor shall be greatly restricted, by requiring all important matters of state shall have the consent of the Imperial Diet (or of the Permanent Committee which represents the Diet, in unavoidable cases of urgency) (Cf Nos 2 to 6, 11, 22, 23 and 27 to 30 of the Outline of the Draft Revision), second, that it is only with the advice of the Ministers of State that the Emperor may carry out the affairs of state, even as regards the supreme command of the people, and that the Ministers of State and the Cabinet of which they are members may not remain in their posts without the confidence and support of the House of Representatives (Cf Nos 2 and 20 to 22 of the Outline) Under the Constitution thus revised, the sovereign power of the Emperor will be exercised through the Imperial Diet in the field of legislation, through the Cabinet, which is wholly based on the Diet, in the field of administration, and through independent Courts of Justice in the judicial sphere *In effect, we shall have a system similar to that* of England wherein so-called "parliamentary democracy" has complete sway

Such being the general purport of the present draft revision, it was decided to make no changes in the language of the fundamental provisions contained in Arts 1 to 4, with the single exception that in Art 3 which reads "The Emperor is sacred and inviolable," the word 'supreme" is substituted for "sacred", for although the latter term was used in a considerable number of Constitutions of European countries during the 19th century, it is neither suitable nor desirable today in that it is suggestive on the divine origin and *character of the Emperor and his sovereign power* (Cf No 3 of the Outline)

III Although there are provisions in the laws currently in force which are calculated to afford considerable protection to the freedom of speech, of religion and of thought, as well as the fundamental human rights, of the Japanese people, in practice not only were they *not duly respected but at times were seriously infringed* upon Such a situation was due to the enactment of evil laws and the abuse of laws under governments with undemocratic tendencies But under the present draft revision, with its provisions for the formation of a democratic government and the expansion of the powers of the Imperial Diet as explained above, it is certain that through the just application of laws justly enacted due respect for the freedom and human rights of Japanese

provided for the protection of the freedom and rights of the Japanese people tended to be merely enumerative, and hence was open to the interpretation that any freedom not specifically mentioned in such provisions, e g , the freedom of carrying on a business, might be restricted otherwise than by law In the draft revision, therefore, it is proposed to insert a general provision to the effect that in addition to the cases provided for in the relevant provisions of the old Constitution, no restrictions of whatever nature may be imposed upon the freedom and rights of Japanese subjects except by law (Cf No 10 of the Outline)

Secondly, under the provisions of the old Constitution a Japanese subject whose right was infringed upon by an illegal measure taken by an administrative authority

was not always adequately protected, and in practice, cases were by no means rare where no protection was given at all owing to the denial of jurisdiction by both the ordinary Court of Law and the special Court of Litigation (negative conflict of competence). The draft revision therefore provides that Courts of Administrative Litigation shall be abolished, and that cases involving

administrative matters shall come under the jurisdiction of ordinary Courts of Law (Cf. No. 24 of the Outline).

Thirdly, in addition to the above, revision of the provisions relating to administrative ordinances, revision of the provisions relating to freedom of religious thought and abolition of the provisions relating to the authority of the Emperor in cases of national emergency are proposed with a view to rendering even more sound the safeguards afforded to the freedom and rights of the Japanese people (Cf. Nos. 4, 9 and 11 of the Outline).

Fourthly, the old Constitution contained provisions recognizing the existence of Peers as a special privileged class, as well as provisions recognizing special treatment for army or navy personnel. Under the draft revision all such provisions recognizing inequalities among the Japanese people will be either revised or abolished (Cf. Nos. 7, 12 and 14 of the Outline).

IV. As already stated in par. II above, the draft revision proposes to enlarge the powers of the Imperial Diet. To that end there are, in addition, revisions or inserts of new provisions concerning such matters as the duration of the Diet session, etc. (Cf. Nos. 16 to 19 of the Outline).

The draft revision proposes also to modify the organization of the House of Peers by excluding the Imperial Princes and members of Nobility from membership and determining its organization by law instead of by ordinance, and also to change the nomenclature of the House, i. e., to "House of Senators" (Cf. Nos. 13 and 14 of the Outline). Moreover, the old system wherein the House of Peers had the same powers as the House of Representatives is to be modified so as to render the powers of the House of Senators merely subsidiary to those of the House of Representatives (Cf. Nos. 15, 21 and 25 of the Outline). As a result of this revision our House of Representatives will come to occupy a position of superiority similar to that held by the House of Commons vis-a-vis the House of Lords in England.

The above revision of the provisions concerning the Imperial Diet, we believe, will make no small contribution to the strengthening of democratic tendencies in Japan.

V. Finally, a brief explanation of certain points in the draft revision not covered in the preceding paragraphs.

Firstly, the system of Privy Council was sometimes criticized on the ground that it was prone to hamper the operation of constitutional politics, the reason for the criticism being that the Privy Council which was in no way responsible to the Imperial Diet had certain important powers. However, under the draft revision, urgent ordinances or orders concerning emergency financial measures must be referred to the Permanent Committee of the Imperial Diet before they are issued, while conclusion of treaties is made subject to the approval of the Imperial Diet (Cf. Nos. 3, 6 and 29 of the Outline). In respect of such important affairs of state, therefore, authority of the Privy Council will be excluded. And since, as a further check, the organization of the Privy Council is to be determined by law, the powers of Privy Councillors cannot but be greatly curtailed. And since the number of Privy Councillors will in all probability be reduced, the Privy Council will most likely be reduced to a politically harmless body (Cf. No. 23 of the Outline). It is therefore not proposed, to abolish the body, especially as there is necessity for its retention for purposes of application of the Imperial House Law and other laws.

Secondly, all the expenditures of the Imperial Household were hitherto defrayed according to a fixed amount without the necessity of obtaining the consent of the Imperial Diet. But under the draft revision, only the expenditures of the Imperial Court may be thus defrayed without the consent of the Diet (Cf. No. 26 of the Outline).

Thirdly, the right of initiating constitutional revision which hitherto was vested solely in the Emperor is to be recognized also for members of the Imperial Diet (Cf. No. 31 of the Outline). This is the most important modification proposed by the present draft revision.

Fourthly, modification of the Constitution or of the Imperial House Law was hitherto prohibited during the period of a Regency; but that prohibition is removed by the draft revision (Cf. No. 33 of the Outline). This too is a point of considerable importance.

Proposed Revision of the Army and Navy Provisions in the Constitution

1. The words "army" and "navy" will be struck out of the Constitution and they will read simply "armed forces."

Even if the time should arrive when, upon completion of allied occupation, Japan is permitted to rearm, the armed forces would be of a very limited scope such as are necessary for the maintenance of peace and order in the country. Moreover, the nation on its own part should harbour no intention of having again any army or navy such as it had before. Accordingly it is proposed to drop the words "army" and "navy."

2. Under the old constitution the command of the armed services is not considered part of government affairs, and the armed forces, belonging directly to the Emperor, are placed outside the control of the government. This has led to the disastrous abuses of the past. Under the revised constitution the command of armed forces will be exercised solely through the assistance of the Cabinet responsible to the Diet and any State Minister will not be able to remain at his post, if a non-confidence resolution is adopted by the House of Representatives, there will be no danger that the armed com-

mand may be exercised against the will of the people

3 Under the old constitution the organization and the strength of the armed forces are matters to be determined by Imperial prerogative Under the new constitution those matters will be fixed by law, so that without the approval of the Diet not a single soldier can be added, nor a single regiment established

4 The reason why it is considered [illegible] Japan is permitted to rearm, and also to prevent the die-hard elements from clinging to their wishful thinking that Japan might some day build up such army and navy as of old If in conformity to the actual circumstances of today when there exist no armed forces, all provisions relating thereto are left out of the new constitution, it may encourage some people to cherish secretly such illusions as mentioned above. At the same time, it will entail, in case Japan is permitted to reestablish her armed services, the necessity of revising the Constitution once more, which in turn may give rise to all manner of dispute and controversy Furthermore, it is thought that if Japan be permitted to join the United Nations Organization, the need for rearmament might actually arise in order that she may fulfill her obligations under its charter

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

Government Section

1 February 1946.

Memorandum for the Supreme Commander.
Subject: Constitutional Reform.

1. The question of constitutional reform of the Japanese governmental system is rapidly approaching a climax. Several proposed revisions of the Japanese constitution have been drafted by governmental and private committees. Constitutional reform may well be a cardinal issue in the coming election campaign.

In these circumstances, I have considered the extent of your power as Supreme Commander to deal with fundamental changes in the Japanese constitutional structure, either by approving or disapproving proposals made by the Japanese government or by issuing orders or directives to that government. In my opinion, in the absence of any policy decision by the Far Eastern Commission on the subject (which would, of course, be controlling), you have the same authority with reference to constitutional reform as you have with reference to any other matter of substance in the occupation and control of Japan.

2. *You have authority from the Allied Powers to proceed with constitutional reform.* In accordance with the agreement among the governments of the US, USSR, UK and China, the President of the United States designated you as Supreme Commander for the Allied Powers to "take such steps as you deem proper to effectuate the surrender terms." (Par. 5 of Designation). By the Instrument of Surrender, the Japanese Government accepted the provisions of the Potsdam Declaration. (Par. 1 of Instrument). The Potsdam Declaration requires the Japanese government to "remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people," and the establishment "in accordance with the freely expressed will of the Japanese people of a peacefully inclined and responsible government." (Pars. 10 and 12 of Declaration.).

To achieve this alteration in the nature of Japan's governmental institutions requires fundamental changes in the Japanese constitutional structure; and such alteration is essential to the execution of the Potsdam Declaration. Therefore, your authority to effectuate constitutional reform designed to develop a form of government responsible to the people is implicit in the terms of your designation by the Allied Powers as Supreme Commander for the purpose of enforcing the surrender terms.

3. *You have authority from the Joint Chiefs of Staff to proceed with constitutional reform.* The Joint Chiefs of Staff have directed that you "exercise your authority as you deem proper to carry out your mission." (Cable No. WX 60333 dated 7 September 1945). Your mission as set forth in the basic occupation directive for Japan (JCS 1380/15) includes: (a) carrying out measures for "The strengthening of democratic tendencies and processes in governmental economic and social institutions," (b) permitting and favoring "changes in the direction of modifying the feudal and authoritarian tendencies of the government," and (c) informing the Japanese that "they will be expected to develop a non-militaristic and democratic Japan," (pars. 3a, 3c, and 4c of Directive).

It is clear that you cannot accomplish these aspects of your mission without effecting fundamental changes in the Japanese constitutional structure. Since the development of a democratic Japan has been explicitly made a part of your mission, you have ample authority from the Joint Chiefs of Staff to approve or order constitutional reform designed to achieve the desired results.

4. *Your authority to make policy decisions on constitutional reform continues substantially unimpaired until the Far Eastern Commission promulgates its own policy decisions on this subject.* The Charter of the Allied Council for Japan requires you to consult and advise "with the Council in advance of orders on matters of substance" but your "decisions upon these matters shall be controlling," (par. 5 of Charter). The sole limitation imposed upon your authority to effect constitutional reform exists in case a member of the Council disagrees with a proposed order "*regarding the implementation of policy decisions of the Far Eastern Commission* on questions concerning . . . fundamental changes in the Japanese constitutional structure" (par. 6 of Charter). In such event your order would be referred to the F.E.C. to determine whether it properly implemented the F.E.C. policy decision.

In the absence of any F E C policy decision, however, there is no restriction upon your executive authority except (a) insofar as the obligation for advance consultation with the Allied Council limits the *manner* in which your authority is exercised, and (b) insofar as the F E C may [illegible] stitutional reform.

5 Should the F E C eventually promulgate a policy directive involving changes in the constitutional structure, *your decision in the issuance of directives (orders) thereon would not be controlling if any member of the Allied Council for Japan objected* It is my opinion that the word "order" in the charter of the [illegible] of its charter

6 To recapitulate, I am of the opinion (a) that you now have the unrestricted authority to take any action you deem proper in effecting changes in the Japanese constitutional structure—the only possible restriction being upon action taken by you toward removal of the Emperor, in which case you are required to consult with the Joint Chiefs of Staff, (b) should the F E C issue a policy directive [illegible] have examined this question

COURTNEY WHITNEY,
Brigadier General, U S Army,
Chief, Government Section

General Headquarters
Supreme Commander for the Allied Powers
Government Section

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It is clear that you cannot accomplish these aspects of your mission without effecting fundamental changes in the Japanese constitutional structure. Since the development of a democratic Japan has been explicitly made a part of your mission, you have ample authority from the Joint Chiefs of Staff to approve or order constitutional reform designed to achieve the desired results.

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In the absence of any F E C policy decision, however, there is no restriction upon your executive authority except (a) insofar as the obligation for advance consultation with the Allied Council limits the *manner* in which your authority is exercised, and (b) insofar as the F E C. may [illegible] sions, however, precludes your taking action pursuant to existing directives to approve or direct constitutional reform

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COURTNEY WHITNEY,
Brigadier General, U S Army,
Chief, Government Section

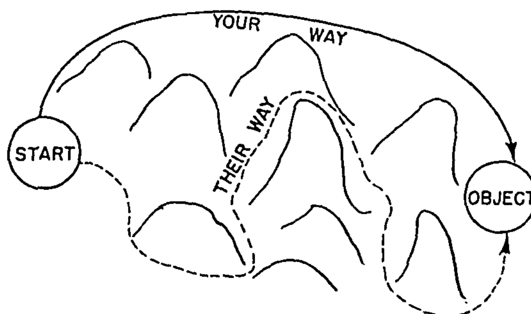
February 15, 1946.

BRIG. GEN. C. WHITNEY,
The Government Section, G. H. Q., Tokyo.

My dear General:

As you seemed to have been a little interested in my few remarks, when I ran into you at the G. H. Q. building yesterday, I venture to write you, at random, more of my impressions about the way your draft was received by Dr. Matsumoto and others in the Cabinet.

I must say your draft was more than a little shock to them. Dr. Matsumoto was quite a socialist in his young days and still is a whole hearted liberal. Notwithstanding the doctor's qualifications (none could survive his term of a law professorship, *the* leading one at that!, if easily shocked and surprised!) your draft came as a great surprise. He realises that the object of your draft and his "revision" is one and the same in spirit. He is as anxious as you are, if not more as after all this is his country, that this country should be placed on a constitutional and democratic basis once for all as he has always deplored the unconstitutionality of the nation. He and his colleagues feel that yours and theirs aim at the same destination but there is this great difference in the routes chosen. Your way is so American in the way that it is straight and direct. Their way must be Japanese in the way that it is round about, twisted, and narrow. Your way may be called an Airway and their way Jeep way over bumpy roads. (I know the roads are bumpy!) Dr. Matsumoto described his impressions as under:



I think I appreciate your standpoint well and I must confess I have a great admiration for it as I have for so many things American. I still am an ardent admirer of Lindbergh's flight across the "uncharted" Atlantic, for the first time and unaided. But alas! Lindberghs are so rare and far between even in America. I do not know if we ever had one in this country.

At the same time, I see their viewpoint too. Theirs is not a party government. They have no means of knowing how much they can count on the support of the people. They see the papers every day and read about extreme leftish outbursts. But on the other hand, they know only too well a great majority of the people are enthusiastically opposed to communism and devotedly for the Emperor. They are afraid that any revision presented in a "drastic" form will only be jeered out of the House, thereby accomplishing nothing. They feel that they must approach it carefully and slowly. They still vividly remember the days of party politics in this country. Granted the parties were often short sighted and corrupt but what they then considered "democratic principle" prevailed everywhere. All over the country, the soldiers were very much looked down on and the fever attained such a height finally that no officer ever dared to ride a street car with his sabre dangling on. The budgets were cut down left and right on armaments. Sure enough, the acute reactions set in and the militarism you know so much about appeared on the scene. They fear that too complete a reform all at once would only invite too extreme a reaction and they are most anxious to avoid it.

I think they are all unanimous in the feeling that once the right to initiate revisions is invested in the House, and not in the Emperor, the battle is nearly won and succeeding governments could revise it as much as they wished according to the will of the people.

I am afraid I have already accelerated the paper shortage by writing this mumble but I know you will forgive me for my shortcoming for which my late father is also partly responsible.

Most sincerely yours,

JIRO SHIRASU.

10 CONSTITUTION DRAFTS

FIRST GOVERNMENT DRAFT OF CONSTITUTION

4 March 1946

Chapter 1 The Emperor

Article 1 The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the sovereign will of the people

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law

Article 3 The advice of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor

Article 4 The Emperor shall perform only such state functions as are provided for in this constitution Never shall he have powers related to government

The Emperor may delegate a part of his functions as may be provided by law

Article 5 When, in accordance with the Imperial House Law, a regency is established, the Regent shall *exercise his functions in the Emperor's name In this* case, paragraph one of the preceding article will be applicable

Article 6 The Emperor shall appoint the Prime Minister as resolved by the Diet.

Article 7 The Emperor, with the advice of the Cabinet, shall perform the following functions of state on behalf of the people

Promulgation of amendments of the constitution, laws, cabinet orders and treaties

Convocation of the Diet

Dissolution of the House of Representatives

Proclamation of general elections

Appointment and dismissal of Ministers of State, Ambassadors, and other officials as provided for by law

General and special amnesty, commutation of punishment, reprieve, and restoration of rights

Awarding of honors

Receiving foreign ambassadors and ministers

Performance of ceremonial functions

Article 8 No property can be given to, or received by, the Imperial House, and no receipts and disbursements can be made thereby, without the authorization of the Diet

Chapter 2 Renunciation of War

Article 9 War, as a sovereign right of the nation, and the threat or use of force, is forever abolished as a means of settling disputes with other nations

The maintenance of land, sea, and air forces, as well as other war potential, and the right of belligerency of the state will not be recognized

Chapter 3 Rights and Duties of the People

Article 10 The people shall not be prevented from [illegible]

constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights

Article 11 The enjoyment of the freedoms and rights guaranteed to the people by this constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms, and rights and shall always be responsible for utilizing them for the public welfare

Article 12 All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs

Article 13 All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin No privilege shall accompany peerage, decoration or any distinction

Article 14 Aliens shall have equal rights to receive protection of law

Article 15 Government officials and other public officials are public servants of the state and society, and the source of power to choose and to dismiss them resides in the whole people

Article 16 In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable for the choice of candidates he has made

Article 17 All of the people have the right of petition for the redress of damage For the removal of public officials and for the enactment, repeal or amendment of laws and ordinances, nor shall they be inflicted any harm for sponsoring such a petition

Article 18 All of the people shall have the freedom [illegible]

guaranteed to all of the people.

Article 20. All of the people shall have the freedom of speech, writing, press, assembly and association to the extent that they do not conflict with the public peace and order.

No censorship shall be maintained except as specifically provided for by law.

Article 21. The secrecy of letter and other means of communication is guaranteed to all of the people, provided that necessary measures to be taken for the maintenance of public peace and order, shall be provided by law.

Article 22. Academic freedom is guaranteed to all of the people.

Article 23. All of the people shall have the right to receive an equal education corresponding to his ability as provided by law. Such education shall be free.

Article 24. All of the people shall have the right to work as provided for by law.

Matters pertaining to wages, working hours and other working conditions shall be fixed by law.

Article 25. Workers shall have the right to organize and to bargain and act collectively as provided by law.

Article 26. All of the people shall have freedom to choose and change their residence and to choose their occupation to the extent that it does not interfere with the public welfare.

Freedom of all of the people to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 27. All of the people shall not be denied the right to be tried by the judges as prescribed by law.

Article 28. All of the people shall not be deprived of life or liberty, nor shall any criminal penalty be imposed upon them, except according to law.

No cruel punishments shall be inflicted.

Article 29. All of the people shall not be held in bondage of any kind against their will, nor shall they be compelled to servitude, except as punishment for crime.

The exploitation of children shall be prohibited.

Article 30. No person shall be apprehended except upon duly issued warrant unless he is apprehended while committing a crime, nor shall he be detained without adequate cause.

The infliction of torture is forbidden.

Article 31. No person shall be reexamined for the same crime for which the judgment of court has become irrevocable except in the case of reexamination as provided by law.

Article 32. No person shall be compelled to confess or testify against himself.

No confession shall be admitted in evidence if made directly or indirectly under compulsion, torture or threat.

No person shall be convicted in cases where the only proof of crime is his own confession.

Article 33. No person shall be punished retroactively for an act which was lawful at the time it was committed.

Article 34. All of the people shall be secure in their homes against entries and searches except as provided for by law.

Except in cases of emergency, entries into homes, searches and seizures shall not be made except upon duly issued warrant.

Article 35. The right to own property is guaranteed to all of the people.

The substance and scope of property rights shall be defined by law in conformity with the public welfare.

Necessary measures to be taken for the public welfare shall be prescribed by law, provided that just compensation be made therefor.

Article 36. Property rights is accompanied by obligation. Its use shall be made for the public welfare.

Article 37. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis.

Article 38. All laws and ordinances pertaining to the national livelihood shall be designed for the guarantee of freedom, enhancement of justice and for the promotion and extension of public welfare and of democracy.

Chapter 4. The Diet

Article 39. The Diet shall be the highest organ of state power, and shall exercise the legislative power.

Article 40. The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors.

Article 41. The House of Representatives shall consist of elected members.

The number of the members of the House of Representatives shall be fixed by law between three hundred (300) and five hundred (500).

Article 42. The qualifications of electors and candidates for the House of Representatives shall be fixed by law. However, there shall be no discrimination because of sex, race, religion or social status.

Article 43. The term of office of members of the House of Representatives shall be 4 years. However, the term may be terminated before the full term is up, by dissolution of the House of Representatives.

Article 44. Matters pertaining to the method of election of members of the House of Representatives, electoral districts, and method of voting, shall be fixed by law.

Article 45. The House of Councillors shall consist of members elected for the various districts or professions

and members appointed by the Cabinet upon resolution of a committee consisting of members of both Houses

The number of members of the House of Councillors shall be fixed by law between two hundred (200) and three hundred (300)

Article 46 The term of [illegible]

Article 47 Matters pertaining to the election or appointment of members of the House of Councillors, the number of members of each kind and qualifications of candidates therefor shall be fixed by law

Article 48 No person shall be permitted to be a member of both Houses simultaneously

Article 49 Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law

Article 50 Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session Any member arrested before the opening of the session shall be freed during the term of the session upon demand of his House

Article 51 Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House

Article 52 The Diet shall be convoked at least once per year

Article 53 The Cabinet may call extraordinary sessions of the Diet When a quarter or more of the total members of either House makes the demand, the Diet must be called into session

Article 54 When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives during the period within thirty (30) or forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election When the House of Representatives is ordered dissolved the House of Councillors must, at the same time, be closed

Article 55 The House of Representatives shall not be dissolved repeatedly for the same cause

Article 56 Each House shall judge disputes related to the election, appointment or qualifications of its members

In order to pass the judgment denying a seat to anyone certified to have been elected, it is necessary to pass a resolution by a majority of two-thirds or more of the members present

Article 57 Business cannot be transacted in either House unless at least one-third of the total membership is present

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution In case of a tie, the presiding officer shall decide the issue

Article 58 Deliberation in each House shall be public No secret meetings shall be held.

Each House shall keep a record of proceedings This record shall be published and distributed to the public

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes

Article 59 Each House shall select its own president and other officials

Each House shall establish its rules and regulations pertaining to meetings and proceedings, and may punish members for disorderly conduct However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon

Article 60 No law shall be passed except by bill

A bill becomes a law on passage by both Houses

A bill, which is passed a third time consecutively by the House of Representatives and sent to the House of Councillors becomes a law, regardless of whether the decision of the House of Councillors is made or not, upon the lapse of two years since the day when the House of Representatives opened the business on the bill for the first time

Article 61 The budget must first be submitted to the House of Representatives

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, the decision of the House of Representatives will be considered the decision of the Diet

Article 62 The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties, and international conventions and agreements

Article 63 Each House may conduct investigations in relation to national affairs, and may compel the presence and testimony of witnesses, and the production of records In such cases, each House can punish in accordance with law, those who do not comply with the demands

Article 64 The Prime Minister, and the Ministers of State may at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not They must appear when their answer to interpellations or questions is required

Article 65 The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted

Article 66 The Diet shall enact all laws necessary to carry into execution the provisions of this Constitution

Chapter 5. The Cabinet

Article 67. Executive power shall be vested in the Cabinet.

Article 68. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 69. The Prime Minister shall be designated by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both houses, provided for by law, cannot reach an agreement, the decision of the House of Representatives shall be the decision of the Diet.

Article 70. The Prime Minister shall, with the approval of the Diet, designate the Ministers of State. The second paragraph of the preceding article shall apply to this approval.

The Prime Minister may decide on the removal of Ministers of State as he chooses.

Article 71. If the House of Representatives passes no-confidence resolution, or fails to pass a confidence resolution, the Cabinet shall resign en masse, unless it dissolves the House of Representatives within 10 days.

Article 72. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election caused by the expiration of term of members of the House of Representatives, the Cabinet shall resign en masse.

Article 73. In the cases mentioned in the preceding two articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 74. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet, and exercises supervision and control over various administrative branches.

Article 75. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties, international conventions and agreements. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by the Diet, manage internal administrative affairs.

Prepare the budget, and present it to the Diet.

Enact and promulgate orders and regulations in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such orders and regulations.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 76. In cases where the Diet cannot be convoked due to the dissolution of the House of Representatives and other causes the Cabinet may, if there is a particularly urgent necessity for the maintenance of the public safety, enact a cabinet order to be substituted for law or budget on the condition that a subsequent approval of the Diet be obtained therefor.

Article 77. All laws and orders shall be signed by the competent Minister of State, and countersigned by the Prime Minister.

Article 78. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby.

Chapter 6. Judiciary

Article 79. Judicial power shall independently be exercised by the court.

The Court shall consist of a Supreme Court and such other inferior courts as provided by law.

No extraordinary tribunal shall be established.

Article 80. The Supreme Court shall be the court of last resort.

Article 81. As for litigations on the constitutionality of law and order, or administrative act pertaining to the provisions of chapter III of this Constitution, the trial of the Supreme Court shall be final.

The Diet may review the judgment of the Supreme Court in litigations on the constitutionality of law and order or administrative acts other than those mentioned in the preceding paragraph. In such cases the judgment of the Supreme Court shall not be reversed unless by the concurring vote of two-thirds of all the members of each House of the Diet.

The procedure of review in the preceding paragraph shall be fixed by law.

Article 82. The Supreme Court shall have the sole jurisdiction over cases involving ambassadors, ministers and consuls of foreign states.

Article 83. All judges shall strictly and impartially execute their duty according to their conscience.

Judges shall be bound, in the exercise of their duty, only by this Constitution and laws.

Article 84. The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge, he shall be dismissed

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law

Article 85 The judges of the inferior courts shall be appointed from among candidates of at least twice the required number, who will be nominated by the Supreme Court

The judges of the inferior courts shall hold office for a term of ten (10) years with privilege of reappointment

Article 86 The judges shall be retired automatically upon the attainment of the age of seventy (70) years

Article 87 Except in case mentioned in the preceding three Articles, the judges shall not be dismissed unless by penal sentence, judgment of impeachment court or judgment of dismissal by the court as a disciplinary action or on account of mental or physical incompetency

Matters pertaining to impeachment shall be provided by law

Article 88 The judges shall receive adequate compensation as provided by law The compensation of judges shall not be decreased against their will unless as a disciplinary action or for other reasons as specifically provided by law

Article 89 Trials shall be conducted and judgment declared publicly Where, however, a court determines publicity to be dangerous to public order and morals as provided for by law, a trial may be conducted privately

The proviso of the preceding paragraph shall not be applied to trials of political offenses, offenses involving the press, and other cases wherein the rights of people as guaranteed in chapter 3 of this Constitution are in question

Article 90 The Supreme Court may determine the details of procedure, the internal discipline of the courts and other rules necessary for the administration of judicial affairs except as provided by this Constitution and laws

An inferior court may determine its rules necessary for the administration of judicial affairs as authorized by the Supreme Court

Chapter 7 Finance

Article 91 Imposition of new taxes or modification of existing ones shall be prescribed by law

The existing taxes shall continue to be collected as heretofore unless changed or modified by law

Article 92 No national loan shall be raised, nor shall any contract imposing a burden on the national treasury be entered into in the absence of an appropriation therefor except as authorized by the Diet

Article 93 Matters pertaining to the determination of the value of currency and issuance thereof shall be provided by law

Article 94 An annual budget setting forth annual expenditure and revenue of the State shall be submitted to the Diet for approval

Article 95 In order to provide for unavoidable deficiencies in the budget or for necessary expenditures outside the appropriation of the budget a reserve fund shall be established

Payments from the reserve fund shall be subject to a subsequent approval of the Diet

Article 96 The budget concerning allowances and expenses of the Imperial household shall constitute a part of the national budget The same shall apply to the income and expenditure arising from Imperial properties other than the hereditary estates

Article 97 Neither the State nor the local public entity shall appropriate money or other properties for religious associations The same shall apply to appropriations for charitable, educational and other similar purposes not under the control of the State

Article 98 A final audit of annual expenditures and revenues of the State shall be made and determined by board of audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered

The organization and competency of the board of audit shall be fixed by law

Article 99 At least annually the Cabinet shall report to the Diet and the people on the state of national finances

Article 100 Matters pertaining to national finances and state property shall be prescribed by law except as provided in this chapter

Chapter 8 Local Self Government

Article 101 Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy

Article 102 The local public entities shall establish assemblies as their deliberative organs, in accordance with law

The chief executive officers of the local public entities having the power to levy local taxes, the members of their legislative assemblies shall be elected by inhabitants thereof

Article 103 Inhabitants of local public entities shall have the right of self-government and may enact bylaws and regulations within law

Article 104 A special law applicable only to one

local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9. Supplementary Provisions

Article 105. Amendments to this Constitution shall be initiated by the Diet and submitted to the people for ratification.

The initiative of the Diet shall not be taken unless by a concurring vote of two-thirds or more of all the members of each House.

The ratification of the people shall be decided by a majority of all votes cast therefor at such national referendum as law shall prescribe.

Draft amendments to this Constitution shall become final as the amendments to this Constitution upon ratification by the people.

Amendments to this Constitution shall be proclaimed by the Emperor in accordance with the provisions of article 7 of this Constitution.

Article 106. Amendments to the Imperial House Law shall be initiated by the Emperor in accordance with the provisions of article 3 of this Constitution by submitting to the Diet a draft which shall be decided under the same provisions as in the case of a bill.

Amendments to the Imperial House Law as passed by the Diet under the preceding paragraph shall be proclaimed by the Emperor in accordance with the provisions of article 7 of this Constitution.

Article 107. This Constitution and the laws and treaties made in pursuance hereof shall be the supreme law of the state and no law or ordinance and no imperial rescript or other administrative acts contrary to the provisions thereof, shall have legal force or validity.

Article 108. The Ministers of State, members of the Diet, judges and all other public officials in office at the time of the enforcement of this Consitution, shall remain at their posts in accordance with existing provisions of law regardless of the provisions of this Consitution, until their successors are elected or appointed.

Article 109. The Emperor or the Regent, the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

SECOND GOVERNMENT DRAFT OF CONSTITUTION

(Cabinet Draft)

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people, and we reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance, for all time from the earth We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want

We hold that no people is responsible to itself alone, but that laws of political morality are universal, and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples

To these high principles and purposes we, the Japanese People, pledge our national honor, determined will and full resources

Chapter 1 The Emperor

Article I The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the sovereign will of the people

Article II The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet

Article III The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor

Article IV The Emperor shall perform only such state functions as are provided for in this constitution Never shall he have powers related to government

The Emperor may delegate his functions as may be provided by law

Article V When, in accordance with the Imperial House Law, a regency is established, the Regent shall exercise his functions in the Emperor's name In this case, paragraph one of the preceding article will be applicable

Article VI The Emperor shall appoint the Prime Minister as designated by the Diet

Article VII The Emperor, with the advice and approval of the Cabinet, shall perform the following functions of state on behalf of the people

Promulgation of amendments of the constitution, laws, cabinet orders and treaties

Convocation of the Diet

Dissolution of the House of Representatives

Proclamation of general elections

Attestation of the appointment and dismissal of Ministers of State, Ambassadors, and other officials as provided for by law

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights

Awarding of honors

Receiving foreign ambassadors and ministers

Performance of ceremonial functions

Article VIII No property can be given to, or received by, the Imperial House, and no receipts and disbursements can be made thereby, without the authorization of the Diet

Chapter 2 Renunciation of War

Article IX War, as a sovereign right of the nation, and the threat or use of force, is forever renounced as a means of settling disputes with other nations

The maintenance of land, sea, and air forces, as well as other war potential, will never be authorized The right of belligerency of the state will not be recognized

Chapter 3 Rights and Duties of the People

Article X The people shall not be prevented from enjoying any of the fundamental human rights These fundamental human rights guaranteed to the people by this constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights

Article XI. The enjoyment of the freedoms and rights guaranteed to the people by this constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article XII. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article XIII. All natural persons are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin. No right of peerage shall from this time forth embody within itself any national or civic power of government, nor shall peerage extend beyond the lives of those now in being. No privilege shall accompany any award of honor, decoration or any distinction: Nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article XIV. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article XV. Every person has the right of peaceful petition for the redress of damage and other matters, for the removal of public officials and for the enactment, repeal or amendment of laws, ordinances or regulations; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article XVI. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article XVII. Freedom of thought and conscience shall be held inviolable.

Article XVIII. Freedom of religion is guaranteed to all. No religious organization shall receive any privilege from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite, or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article XIX. Freedom of assembly, association, speech, and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article XX. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be nviolate.

Article XXI. Academic freedom is guaranteed.

Article XXII. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article XXIII. In all spheres of life, laws shall be designed for the promotion and extension of social welfare and security, and of public health, freedom, justice and democracy.

Article XXIV. Every person shall have the right to receive an equal education corresponding to his ability, as provided by law.

Every person shall be obligated to insure that all of the children under his protection receive elementary education. Such education shall be free.

Article XXV. All persons have the right to work. Standards for working conditions, wages and hours shall be fixed by law. The exploitation of children shall be prohibited.

Article XXVI. The right of workers to organize and to bargain and act collectively is guaranteed.

Article XXVII. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

Article XXVIII. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended while committing a crime.

Article XXIX. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; he shall not be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article XXX. No person shall be deprived of life or liberty, nor shall any criminal penalty be imposed, except according to procedure established by the Diet, nor shall any person be denied the right of access to the courts.

Article XXXI. The right of the people to be secure in their persons, homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly

describing the place to be searched and the person or things to be seized

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer.

Article XXXII The infliction of torture by any public officer and cruel punishments are absolutely forbidden

Article XXXIII In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government No person shall be placed in double jeopardy for the same crime

Article XXXIV No person shall be compelled to testify against himself

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article XXXV No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted

Chapter 4 The Diet

Article XXXVI The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State

Article XXXVII The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors

Article XXXVIII Both Houses shall consist of elected members, representatives of all the people

The number of the members of each House shall be fixed by law

Article XXXIX The qualifications of electors and members for both Houses shall be fixed by law However, there shall be no discrimination because of sex, race, religion, or social status

Article XL The term of office of members of the House of Representatives shall be four years However, the term may be terminated before the full term is up, by dissolution of the House of Representatives

Article XLI Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law

Article XLII The term of office of the members of the House of Councillors shall be six years, except for half the members serving in the first term Election for half the members shall take place every three years

Article XLIII No person shall be permitted to be a member of both Houses simultaneously

Article XLIV Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with the law

Article XLV Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session Any member arrested before the opening of the session shall be freed during the term of the session upon demand of his House

Article XLVI Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House

Article XLVII The Diet shall be convoked at least once per year

Article XLVIII The Cabinet may call extraordinary sessions of the Diet When a quarter or more of the total members of either House makes the demand, the Diet must be called into session

Article XLIX When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed

Article L Each House shall judge disputes related to qualifications and elections of its members

In order to deny a seat to anyone certified to have been elected, it is necessary to pass a resolution by a majority of two-thirds or more of the members present

Article LI Business cannot be transacted in either House unless at least one-third of the total membership is present

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution In case of a tie, the presiding officer shall decide the issue

Article LII Deliberation in each House shall be public. No secret meetings shall be held

Each House shall keep a record of proceedings This record shall be published and distributed to the public

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes

Article LIII Each House shall select its own president and other officials

Each House shall establish its rules and regulations pertaining to meetings and proceedings, and may punish members for disorderly conduct However, in order to

expel a member a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LIV. A bill becomes a law on passage by both Houses, except as otherwise provided by this Constitution.

A bill which is passed by the House of Representatives, and rejected by the House of Councillors, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LV. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, the decision of the House of Representatives will be considered the decision of the Diet.

Article LVI. The second paragraph of the preceding article applies also to Diet approval required for the conclusion of treaties, and international conventions and agreements.

Article LVII. Each House may conduct investigations in relation to national affairs, and may compel the presence and testimony of witnesses, and the production of records. In such cases, each House can punish, in accordance with law, those who do not comply with the demands.

Article LVIII. The Prime Minister, and the Ministers of State, may, at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LVIX. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Article LX. The House of Representatives shall sit as the National Diet immediately upon the effective date of this Constitution and until such time as the House of Councillors shall regularly be constituted.

Chapter 5. The Cabinet

Article LXI. Executive power shall be vested in the Cabinet.

Article LXII. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXIII. The Prime Minister shall be designated by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both houses, provided for by law, cannot reach an agreement, the decision of the House of Representatives shall be the decision of the Diet.

Article LXIV. The Prime Minister shall, with the approval of the Diet, designate the Ministers of State. The second paragraph of the preceding article shall apply to this approval.

The Prime Minister may decide on the removal of Ministers of State as he chooses.

Article LXV. If the House of Representatives passes a no-confidence resolution, or fails to pass a confiidence resolution, the Cabinet shall resign en masse, unless it dissolves the House of Representatives within ten days.

Article LXVI. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article LXVII. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXVIII. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet, and exercises supervision and control over various administrative branches.

Article LXIX. The Cabinet, in addition to other general administrative functions, shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties, international conventions and agreements. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by the Diet, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact and promulgate orders and regulations in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such orders and regulations unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article LXX. All laws and orders shall be signed by

the competent Minister of State, and countersigned by the Prime Minister

Article LXXI The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby

Chapter 6 Judiciary

Article LXXII The whole judicial power is vested in a Supreme Court and in such inferior courts as the Diet shall establish

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto

Article LXXIII The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts the administration of judicial affairs, and such other matters as may properly affect the free exercise of the judicial power

Public procurators shall be subject to the rule-making power of the Supreme Court

The Supreme Court may delegate the power to make rules for inferior courts to such courts

Article LXXIV Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent No disciplinary action shall be administered by any executive organ or agency

Article LXXV The Supreme Court shall consist of such number of judges as may be determined by law, all such judges shall be appointed by the Cabinet and shall be retired upon the attainment of the age of 70 years

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten years, and in the same manner thereafter

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law

All such judges shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office

Article LXXVI The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court All such judges shall hold office for a term of ten years with privilege of reappointment and shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office No judge shall hold office after attaining the age of 70 years

Article LXXVII The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act

Article LXXVIII Trials shall be conducted and judgment declared publicly Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, and cases wherein the rights of the people as reserved in chapter 3 of this Constitution are in question, shall be conducted publicly without exception

Chapter 7 Finance

Article LXXIX The power to administer national finances shall be exercised as the Diet shall determine

Article LXXX No new taxes shall be imposed or existing ones modified except by action of the Diet or under such conditions as the Diet may prescribe

All taxes in effect at the time this Constitution is promulgated shall continue to be collected under existing regulations until changed or modified by the Diet

Article LXXXI No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet

Article LXXXII The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year

Article LXXXIII In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized to be expended upon the responsibility of the Cabinet

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund

Article LXXXIV All property of the Imperial Household, other than the hereditary estates, shall belong to the State The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget

Article LXXXV No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of the State

Article LXXXVI. A final audit of all expenditures and revenues of the State shall be made annually by a board of audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the board of audit shall be determined by the Diet.

Article LXXXVII. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter 8. Local Self Government

Article LXXXVIII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article LXXXIX. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XC. Local public entities shall have the right to manage their property, affairs and government and to frame their own charters within such laws as the Diet may enact.

Article XCI. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9. Amendments

Article XCII. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon at such election as the Diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor, in the name of the People, as an integral part of this Constitution.

Chapter 10. Supreme Law

Article XCIII. This Constitution and the laws and treaties made in pursuance hereof shall be the supreme law of the state and no public law or ordinance and no imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

Article XCIV. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

The Emperor or the Regent, the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter 11. Supplementary Provisions

Article XCV. The Ministers of State, members of the Diet, judges and all other public officials in office at the time of the enactment of this Constitution, shall remain at their posts in accordance with existing provisions of law regardless of the provisions of this Constitution, until their successors are elected or appointed.

THIRD GOVERNMENT DRAFT OF CONSTITUTION

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people, and we reject and revoke all constitutions, law, ordinances, and rescripts in conflict herewith

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want

We hold that no people is responsible to itself alone, but that laws of political morality are universal, and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify [illegible] with other peoples [illegible] full resources

Chapter 1 The Emperor

Article I The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the sovereign will of the people

Article II The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet

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Article XI The enjoyment of the freedoms and rights guaranteed to the people by this constitution shall be

maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article XII. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

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He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government

Article XXXV. No person shall be compelled to testify against himself

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention

No person shall be convicted or punished in cases where the only proof against him is his own confession

Article XXXVI No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he, in any way, be placed in double jeopardy

Chapter 4 The Diet

Article XXXVII The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State

Article XXXVIII The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors

Article XXXIX Both Houses shall consist of elected members, representative of all the people

The number of the members of each House shall be fixed by law

Article XL The qualifications of electors and members for both Houses shall be fixed by law However, there shall be no discrimination because of race, creed, sex, social status or family origin

Article XLI The term of office of members of the House of Representatives shall be 4 years However, the term may be terminated before the full term is up, by dissolution of the House of Representatives

Article XLII The term of office of the members of the of Councillors shall be six years Election for half the members shall take place every three years

Article XLIII Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law

Article XLIV No person shall be permitted to be a member of both Houses simultaneously

Article XLV Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with the law

Article XLVI Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session Any members arrested before the opening of the session shall be freed during the term of the session upon demand of the House

Article XLVII Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House

Article XLVIII An ordinary session of the Diet shall be convoked once per year

Article XLIX The Cabinet may call extraordinary sessions of the Diet When a quarter or more of the total members of either house makes the demand, the Diet must be called into session

Article L When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed, except that the Cabinet may in time of national emergency convoke the House of Councillors in emergency session

Measures enacted at such session shall be provisional and shall become null and void, unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet

Article LI Each House shall judge disputes related to qualifications and elections of its members However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present

Article LII Business cannot be transacted in either House unless at least one-third of the total membership is present

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution In case of a tie, the presiding officer shall decide the issue

Article LIII Deliberation in each House shall be public However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor

Each House shall keep a record of proceedings This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be present, votes of the members be recorded in the minutes

Article LIV Each House shall select its own president and other officials

Each House shall establish its rules pertaining to meetings and proceedings and internal discipline may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LV. A bill becomes a law on passage by both Houses, except as otherwise provided by this Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LVI. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within forty (40) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article LVII. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article LVIII. Each House may conduct investigations in relation to national affairs, and may compel the presence and testimony of witnesses, and the production of records.

Article LIX. The Prime Minister, and the Ministers of State, may at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LX. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter 5. The Cabinet

Article LXI. Executive power shall be vested in the Cabinet.

Article LXII. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXIII. The Prime Minister shall be designated by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within twenty (20) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives sh[illegible] decision of the Diet.

Article LXIV. The Prime Minister shall [illegible] approval of the Diet, appoint the Ministers o[illegible] The second paragraph of the preceding article shal[illegible] to this approval.

The Prime Mi[illegible] ay remove the Ministers of as he chooses.

Article LXV[illegible] of Representatives p[illegible] a non-confidenc[illegible] jects a confidence r[illegible] lution, the Cab[illegible] en masse, unless House of Represe[illegible] d within ten da[illegible]

Article LXVI. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article LXVII. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXVIII. The Prime Minister representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises supervision and control over various administrative branches.

Article LXIX. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accor[illegible] standards established by law, ad-[illegible] ster th[illegible] e.

are t[illegible] present it to the Diet.

t cab[illegible] order to carry out the provi-[illegible] this [illegible] nd of the law. Howe[illegible] it clu[illegible] ions in such cab[illegible] ers ori[illegible] n g[illegible] , special am[illegible] u- is [illegible] , and restor[illegible] ts. [illegible] d cabine[illegible] be

signed by the competent Minister of State and countersigned by the Prime Minister.

Article LXXI The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby

Chapter 6 Judiciary

Article LXXII The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto

Article LXXIII The Supreme Court is vested with the rulemaking power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs

Public procurators shall be subject to the rule-making power of the Supreme Court

The Supreme Court may delegate the power to make rules for inferior courts to such courts

Article LXXIV Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent No disciplinary action shall be administered by any executive organ or agency

Article LXXV The Supreme Court shall consist of such number of judges as may be determined by law, all such judges shall be appointed by the Cabinet and shall be retired upon the attainment of the age as fixed by law

The appointment of the judges of the Supreme Court [illegible]

general election of the House of Representatives after a lapse of ten years, and in the same manner thereafter

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law

All such judges shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office

Article LXXVI The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court All such judges shall hold office for a term of ten years with privilege of reappointment, provided that, they shall be retired upon the attainment of the age as fixed by law

The judges of the inferior courts shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office

Article LXXVII The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act

Article LXXVIII Trials shall be conducted and judgment declared publicly Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, and cases wherein the rights of people as reserved in chapter 3 of this Constitution are in question, shall be conducted publicly without exception

Chapter 7 Finance

Article LXXIX The power to administer national finances shall be exercised as the Diet shall determine

Article LXXX No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe

Article LXXXI No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet

Article LXXXII The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year

Article LXXXIII In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund

Article LXXXIV All property of the Imperial Household, other than the hereditary estates, shall belong to the State The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget

Article LXXXV No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of Public authority.

Article LXXXVI A final audit of all expenditures and revenues of the State shall be made annually by a board of audit and submitted by the Cabinet to the Diet

during the fiscal year immediately following the period covered.

The organization and competency of the board of audit shall be determined by law.

Article LXXXVII. At regular intervals and annually the Cabinet shall report to the Diet people on the state o national finances.

Chapter 8. Local Self Government

Article LXXXVIII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article LXXXIX The local public entities shall establish assemblies as their deliberative organs, in accordance with law

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XC. Local public entities shall have t to manage their property, affairs and governm to frame their own charters within such laws Diet may enact.

Article XCI. A special law, applicable only local public entity, cannot be enacted by the Di out the consent of the majority of the voters of t public entity concerned, obtained in accordan law

Chapter 9 Amendments

Article XCII Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast at a special referendum thereon, or election as the Diet shall specify.

Amendments when so ratified shall immedi proclaimed by the Emperor in the name of the Pe an integral part of this Constitution.

Chapter 10 Supreme Law

Article XCIII The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate

Article XCIV This Constitution and the laws and treaties made in pursuance hereof shall be the supreme law of the state and no public law or ordinance imperial rescript or other act of government, thereof, contrary to the provisions hereof, sha legal force or validity.

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The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph

Article XCVII As regards those who hold peerage on the effective date of this Constitution, their title shall remain valid for their lives, but no right of peerage shall from this time forth embody within itself any power of government.

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At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government

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No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention

No person shall be convicted or punished in cases where the only proof against him is his own confession

Article XXXVI No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted nor shall he, in any way, be placed in double jeopardy

Chapter 4 The Diet

Article XXXVII The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State

Article XXXVIII The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors

Article XXXIX Both Houses shall consist of elected members, representative of all the people

The number of the members of each House shall be fixed by law

Article XL The qualifications of electors and members for both Houses shall be fixed by law However, there shall be no discrimination because of race, creed, sex, social status or family origin

Article XLI The term of office of members of the House of Representatives shall be four years However, the term may be terminated before the full term is up by dissolution of the House of Representatives

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Article XLIII Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law

Article XLIV No person shall be permitted to be a member of both Houses simultaneously

Article XLV Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law

Article XLVI Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session Any members arrested before the opening of the session shall be freed during the term of the session upon demand of the House

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Measures enacted at such session shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet

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Article LII Business cannot be transacted in either House unless at least one-third of the total membership is present

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution In case of a tie, the presiding officer shall decide the issue

Article LIII Deliberation in each House shall be public *However, a secret meeting may be held where a* majority of two-thirds or more of those members present passes a resolution therefor

Each House shall keep a record of proceedings This record shall be published and given general circulation, excepting such parts of proceedings of secret sessions as may be deemed to required secrecy

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes

Article LIV Each House shall select its own president and other officials

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LV. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days afrer receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LVI. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within forty (40) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article LVII. The second paragraph of the preceding article applies also the Diet approval required for the conclusion of treaties.

Article LVIII. Each House may conduct investigations in relation to national affairs, and may compel the presence and testimony of witnesses, and the production of records.

Article LIX. The Prime Minister and the Ministers of State may, at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LX. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter 5. The Cabinet

Article LXI. Executive power shall be vested in the Cabinet.

Article LXII. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXIII. The Prime Minister shall be designated by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both Houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within twenty (20) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article LXIV. The Prime Minister shall, with the approval of the Diet appoint the Ministers of State. The second paragraph of the preceding article shall apply to this approval.

The Prime Minister may remove the Ministers of State as he chooses.

Article LXV. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article LXVI. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article LXVII. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXVIII. The Prime Minister representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises supervision and control over various administrative branches.

Article LXIX. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by law, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article LXX. All laws and cabinet orders shall be

signed by the competent Minister of State and countersigned by the Prime Minister

Article LXXI The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby

Chapter 6 Judiciary

Article LXXII The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto

Article LXXIII The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs

Public procurators shall be subject to the rule-making power of the Supreme Court

The Supreme Court may delegate the power to make rules for inferior courts to such courts

Article LXXIV Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent No disciplinary action shall be administered by any executive organ or agency

Article LXXV The Supreme Court shall consist of [illegible]

general election of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dis- [illegible]

creased during their terms of office

Article LXXVI The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office

Article LXXVII The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act

Article LXXVIII Trials shall be conducted and judgment declared publicly Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press and cases wherein the rights of people as reserved in chapter 3 of this Constitution are in question, shall be conducted publicly without exception

Chapter 7 Finance

Article LXXIX The power to administer national finances shall be exercised as the Diet shall determine

Article LXXX No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe

Article LXXXI No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet

Article LXXXII The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year

Article LXXXIII In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund

Article LXXXIV All property of the Imperial Household, other than the hereditary estates, shall belong to the State The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget

Article LXXXV No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of public authority.

Article LXXXVI A final audit of all expenditures and revenues of the State shall be made annually by a Board of Audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered

The organization and competency of the Board of Audit shall be determined by law.

Article LXXXVII. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter 8. Local Self Government

Article LXXXVIII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article LXXXIX. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XC. Local public entities shall have the right to manage their property, affairs and government and to frame their own charters within such laws as the Diet may enact.

Article XCI. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9. Amendments

Article XCII. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor in the name of the People, as an integral part of this Constitution.

Chapter 10. Supreme Law

Article XCIII. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

Article XCIV. This Constitution and the laws and treaties made in pursuance hereof shall be the supreme law of the state and no public law or ordinance and no imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

Article XCV. The Emperor or the Regent, the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter 11. *Supplementary Provisions*

Article XCVI. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article XCVII. As regards those who hold peerage on the effective date of this Constitution, their title shall remain valid for their lives, but no right of peerage shall from this time forth embody within itself any power of government.

Article XCVIII. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall sit as the Diet on that date and until such time as the House of Councillors shall be constituted.

Article XCIX. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article C. The Minister of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on the effective date of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

DRAFT OF JAPANESE CONSTITUTION (As amended by the House of Representatives)

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people, and we reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want

We hold that no people is responsible to itself alone, but that laws of political morality are universal, and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples

To these high principles and purposes we, the Japanese people, pledge our national honor, determined will and full resources

Chapter I The Emperor

Article 1 The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides Sovereign power

Article 2 The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet

Article 3 The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor

Article 4 The Emperor shall perform only such acts in matters of state as are provided for in this Constitution Never shall he have powers related to government

The Emperor may delegate the performance of his acts in matters of state as may be provided by law

Article 5 When, in accordance with the Imperial House Law, a regency is established, the Regent shall perform his acts in matters of state in the Emperor's name In this case, paragraph one of the preceding article will be applicable

Article 6 The Emperor shall appoint the Prime Minister as designated by the Diet

The Emperor shall appoint the chief judge of the Supreme Court, as designated by the Cabinet

Article 7 The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet

Dissolution of the House of Representatives

Proclamation of General Election

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights

Awarding of honors

Attestation of instruments of ratification and other diplomatic documents as provided for by law

Receiving foreign ambassadors and ministers

Performance of ceremonial functions

Article 8 No property can be given to, or received by, the Imperial House, and no gifts can be made thereby, without the authorization of the Diet

Chapter II Renunciation of War

Article 9 Aspiring sincerely to an international peace based on justice and order, the Japanese people, forever, renounce war as a sovereign right of the nation, or the threat or use of force, as a means of settling disputes with other nations

For the above purpose, land, sea, and air forces, as well as other war potential, will never be maintained The right of belligerency of the state will not be recognized

Chapter III Rights and Duties of the People

Article 10 The conditions necessary for being a Japanese national shall be determined by law

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights These

fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The enjoyment of the freedoms and rights guaranteed to the people by this Constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status or family origin. Peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article 16. Every person has the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person has the right to sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall be held inviolable.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly, association, speech and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to insure that all boys and girls under their protection receive ordinary education as provided for by law. Such education shall be free.

Article 27. All people have the right and the obligation to work. Standards for working conditions, wages, hours and rest shall be fixed by law. The exploitation of children shall be prohibited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

Article 30. The people are liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended while committing a crime.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon

demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel

Article 35 The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly describing the place to be searched and things to be seized, or except as provided by Article 33

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer

Article 36 The infliction of torture by any public officer and cruel punishments are absolutely forbidden

Article 37 In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government

Article 38 No person shall be compelled to testify against himself

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention

No person shall be convicted or punished in cases where the only proof against him is his own confession

Article 39 No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted nor shall he, in any way, be placed in double jeopardy

Article 40 Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law

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Article 51 Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House

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Article 54 When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed, except that the Cabinet may in time of national emergency convoke the House of Councillors in emergency session

Measures enacted at such session shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet

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A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

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The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

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If the House of Representatives and the House of Councillors disagree and if a joint committee of both Houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

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The Prime Minister may remove the Ministers of State as he chooses.

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Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law

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[illegible] by the Prime Minister

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The Supreme Court may delegate the power to make rules for inferior courts to such courts

Article 78 Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent No disciplinary action shall be administered by any executive organ or agency

Article 79 The Supreme Court shall consist of a chief judge and such number of judges as may be determined by law, all such judges excepting the chief judge shall be appointed by the Cabinet

[illegible] lapse of ten (10) years, and in the same manner thereafter

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office

Article 80 The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act

Article 82 Trials shall be conducted and judgment declared publicly Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses involving the press and cases wherein the rights of people as reserved in chapter III of this Constitution are in question, shall be conducted publicly without exception

Chapter VII Finance

Article 83 The power to administer national finances shall be exercised as the Diet shall determine

Article 84 No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe

Article 85 No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86 The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year

Article 87 In order to provide for unforeseen defi-

ciencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of public authority.

Article 90. A final audit of all expenditures and revenues of the State shall be made annually by a Board of Audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter VIII. Local Self Government

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within such laws as the Diet may enact.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter IX. Amendments

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor in the name of the People, as an integral part of this Constitution.

Chapter X. Supreme Law

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the state and no public law or ordinance and no imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter XI. Supplementary Provisions

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall sit as the Diet on that date and until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling

under this category shall be *determined in accordance* with law

Article 103 The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such posi*tions as are recognized by this Constitution* shall not forfeit their positions automatically on the effective date of this Constitution unless otherwise specified by law When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course

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Appendix C: 9f

HOUSE OF PEERS AMENDMENTS

On September 6, 1946, the House of Peers voted three amendments to the draft constitution approved by the House of Representatives on August 24. These amendments were at once referred back to the House of Representatives, which voted its approval the following day, on September 7.

Following are the House of Peers amendments:

(1) Universal adult suffrage is hereby guaranteed with regard to the election of public officials. (Inserted in Article 15.)

(2) The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law. (Added to Article 59.)

(3) The Prime Minister and other Ministers of State shall be civilians. (Inserted in Article 66.)

GENERAL MacARTHUR'S ANNOUNCEMENT CONCERNING THE PROPOSED NEW CONSTITUTION FOR JAPAN

6 March 1946

It is with a sense of deep satisfaction that I am today able to announce a decision of the Emperor and Government of Japan to submit to the Japanese people a new and enlightened constitution which has my full approval This instrument has been drafted after painstaking investigation and frequent conference between members of the Japanese Government and this headquarters following my initial direction to the cabinet five months ago

Declared by its terms to be the supreme law for Japan, it places sovereignty squarely in the hands of the people It establishes governmental authority with the predominant power vested in an elected legislature, as representative of the people, but with adequate check upon that power, as well as upon the power of the Executive and the Judiciary, to insure that no branch of government may become autocratic or arbitrary in the administration of affairs of state It leaves the throne without governmental authority or state property, subject to the people's will, a symbol of the people's unity It provides for and guarantees to the people fundamental human liberties which satisfy the most exacting standards of enlightened thought It severs for all time the shackles of feudalism and in its place raises the dignity of man under protection of the people s sovereignty It is throughout responsive to the most advanced concept of human relations—is an eclectic instrument, realistically blending the several divergent political philosophies which intellectually honest men advocate

Foremost of its provisions is that which, abolishing war as a sovereign right of the nation, forever renounces the threat or use of force as a means for settling disputes with any other nation and forbids in future the authorization of any army, navy, air force or other war potential or assumption of rights of belligerency by the state By this undertaking and commitment Japan surrenders rights inherent in her own sovereignty and renders her future security and very survival subject to the good faith and justice of the peace loving peoples of the world By it does a nation, recognizing the futility of war as an arbiter of international issues, chart a new course oriented to faith in the justice, tolerance and understanding of mankind

The Japanese people thus turn their backs firmly upon the mysticism and unreality of the past and face instead a future of realism with a new faith and a new hope

DRAFT CONSTITUTION FOR JAPAN

JCS Directive Serial No. 36,
March 27, 1946

The following statement of policy, adopted by the Far Eastern Commission on 20 March 1946, under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War and Navy Departments for transmission to SCAP as a directive for his guidance in accordance with paragraph III, 1, of those terms of reference:

"The Commission has received from the United States Government the text of a draft constitution which appears to have been drawn up in compliance with an Imperial rescript, the text of which has also been supplied by the United States Government, along with the Supreme Commander's comments on that text.

"The opening sentences of this draft indicate to the Commission that it will be presented to the first session of the Japanese Diet which will be chosen at the forthcoming general elections. The Commission therefore assumes that this and possibly other texts will be debated in the Diet and that amendments may be offered and perhaps other proposals introduced.

"The Commission, therefore, desires that the Supreme Commander keep it informed of the progress and development of this and other drafts that may be considered by the Diet.

"For mindful of its responsibilities under its terms of reference for the formulation of policy in regard to the implementation of the surrender terms, and of the important bearing which this or any other proposed changes in the constitutional structure of Japan may have upon the decisions in carrying out that responsibility, the Commission desires that the Supreme Commander for the Allies make clear to the Japanese Government that the Far Eastern Commission must be given an opportunity to pass upon the final draft of the constitution to determine whether it is consistent with the Potsdam Declaration and any other controlling document before it is finally approved by the Diet and becomes legally valid.

"The Commission believes that in this way hasty action by the Japanese Diet will be prevented and time given for all elements inside and outside the Diet to consider this very important question and bring to that consideration all available thought produced by the freely expressed will of the Japanese people.

"In this connection the Commission notes the encouragement given to the Japanese people in the Supreme Commander's announcement that this draft of a proposed constitution has his personal approval. It is somewhat apprehensive that this approval may be misunderstood by the Japanese public and taken to mean that this particular draft has the approval of the powers represented on this Commission.

"As such is not necessarily the case and as the Commission does not want to take any action in regard to this or any other draft constitution that might prejudice Japanese public opinion for or against any proposal of this nature, it considers that the Supreme Commander for the Allied Powers should in some appropriate manner make it known to the Japanese people that while this draft of a proposed constitution is a document of obvious merit and is available now for consideration and study, the fact that it is a draft prepared by the government does not preclude favorable consideration of other proposals or drafts which may be submitted to the Diet for study and comparison.

"The Commission requests that the United States Government inform the Supreme Commander of its views as expressed above, and since the constitutional issue is one that is likely to influence the votes of the electors, it do so with a minimum of delay."

[illegible]

[illegible]
FOR THE [illegible]

[illegible]

[illegible]

The following [illegible] by the Far Eastern Commission on [illegible] terms of reference [illegible] for guidance in accordance with [illegible]

[illegible]

The [illegible] for the [illegible]

[illegible]

[illegible]

1. [illegible]

2. [illegible]

3. [illegible]

Appendix C: 13

GENERAL MacARTHUR'S STATEMENT ON SUBMISSION OF DRAFT CONSTITUTION TO DIET

21 June 1946

With the submission to the Diet of a proposed revision of the constitution, the Japanese people face one of the vital moments in the life of Japan. The fundamental charter of their existence will be determined by the action taken on this monumental question. In its solution, it has been and continues to be imperative (a) that adequate time and opportunity be allowed for the full discussion and consideration of the terms of such a charter; (b) that the procedure followed assures complete legal continuity with the constitution of 1889 now existing; and (c) that the manner of adoption of such a charter demonstrates that it affirmatively expresses the free will of the Japanese people.

These criteria governing the mechanics involved in constitutional revision thus far have been scrupulously followed, and they must continue to guide now that the issue is before the National Diet. For over eight months the revision of the constitution has been the paramount political consideration under discussion by all parties and all classes of the Japanese people. Numerous drafts have been prepared by the various political parties, educational groups, publicists, and individuals of all shades of thought and opinion. The press and radio and every other medium of discussion have been employed to an extent seldom witnessed in any national forum. Rarely has a fundamental charter, regulative of national life, been more thoroughly discussed and analyzed.

The Government Draft now before the Diet is a Japanese document and it is for the people of Japan, acting through their duly elected representatives, to determine its form and content—whether it be adopted, modified, or rejected. It therefore behooves members of the Diet to act upon this vital matter with the solemnity, with the wisdom and with the patriotism which they owe their country and the people they represent—scrupulously avoiding the influence of political creed, undue ambition, or selfish intrigue.

The present Japanese constitution provides in Article LXXIII: "When it has become necessary in future to amend the provisions of the present constitution, a project to the effect shall be submitted to the Imperial Diet by Imperial Order. In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained." It was in view of this constitutional requirement that the Government took measures to the end that the last election, which qualified the members of this Diet, was held with the Government Draft Constitution squarely before the people and under the paramount consideration that those elected would be charged with the duty of acting thereon. Few elections in modern times could be regarded as more truly democratic, reliable and expressive of the free will of the people. As a consequence the Diet which emerged therefrom is fully representative and qualified to express the will of the people on this issue.

In the course of legislative action upon this matter, it is incumbent upon the Diet that it assure to all members the free, fair and untrammelled right of discussion and debate, and that it give thoughtful consideration to every suggestion offered by its membership, regardless of strength or party affiliation. If it approaches its task with that high sense of duty, it will serve the nation well, as on the issue of a democratic constitution rests the future well-being of the Japanese people.

BASIC PRINCIPLES FOR A NEW JAPANESE CONSTITUTION

JCS Directive Serial No 54,
July 6, 1946

The following statement of policy, adopted by the Far Eastern Commission on 2 July 1946, under the provisions of paragraph II, A, 1, of its terms of reference has been received from the State, War and Navy Departments for transmission to you as a directive for your guidance in accordance with paragraph III, 1, of those terms of reference You should take appropriate steps consistent with the directives on Draft Constitution for Japan[1] and Principles Governing the Machinery for the Adoption of a New Japanese Constitution,[2] to insure that any constitution adopted by the Japanese conforms to the principles set forth in this statement

'1 The Japanese Constitution should recognize that sovereign power resides in the people It should be so framed as to provide for

a A representative government based upon universal adult suffrage consisting of

(1) An executive deriving its authority from and responsible to either the electorate or a fully representative legislative body,

(2) A legislature, fully representative of the electorate, which should have full legislative powers, including full control over raising of public revenue and expenditure of public funds,

b The establishment of an independent judiciary,

c The guarantee of fundamental civil rights to all Japanese and to all persons within Japanese jurisdiction All Japanese shall enjoy equal rights before the law and no special privileges of particular social groups such as the nobility shall be allowed

d The popular election of heads on institutions of local government such as prefectures, cities, towns and villages,

e The popular election of local assemblies such as prefectural, city, town, and village,

f The adoption of constitutional amendments in a manner which will give effect to the freely expressed will of the Japanese people

2 Though the ultimate form of government in Japan is to be established by the freely expressed will of the Japanese people, the retention of the Emperor Institution in its present constitutional form is not considered consistent with the foregoing general objectives Consequently, the Japanese should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines

3 If the Japanese people decide that the Emperor Institution is not to be retained, constitutional safeguards against the institution will obviously not be required, but the Constitution will have to conform to the re- [illegible]

a temporary veto power over other legislative measures,

b That the Prime Minister and the Ministers of State, all of whom shall be civilians and of whom a majority, including the Prime Minister, shall be selected from the Diet, shall form a Cabinet collectively responsible to the legislature If a system of government is adopted whereby the Chief Executive is elected to that office by the people, the provision that a majority of the Cabinet members shall be chosen from the legislature should not necessarily apply,

c That the legislative organ shall have the power to meet at will

4 If the Japanese decide to retain the Institution of the Emperor, the following safeguards in addition to those enumerated in 1 and 3 above will be necessary

a When a Cabinet loses the confidence of the legislature, it shall either resign or appeal to the electorate

b The Emperor shall have no powers other than those to be conferred on him by the new Constitution He shall act in all cases in accordance with the advice of the Cabinet

c The Emperor shall be deprived of all military authority such as that provided in Articles XI, XII, XIII, and XIV of Chapter 1 of the Constitution of 1889

d All property of the Imperial Household shall be declared property of the State The expenses of the Imperial household shall be appropriated by the legislature

5 The retention of the Privy Council and the House of Peers in their present form and with their present powers is not considered consistent with the foregoing general objectives "

[1] Serial No 36—FEC-031/4
[2] Serial No 47—FEC-031/10

GENERAL MacARTHUR'S STATEMENT ON SUBMISSION OF DRAFT CONSTITUTION TO DIET

21 June 1946

With the submission to the Diet of a proposed revision of the constitution, the Japanese people face one of the vital moments in the life of Japan. The fundamental charter of their existence will be determined by the action taken on this monumental question. In its solution, it has been and continues to be imperative (a) that adequate time and opportunity be allowed for the full discussion and consideration of the terms of such a charter; (b) that the procedure followed assures complete legal continuity with the constitution of 1889 now existing; and (c) that the manner of adoption of such a charter demonstrates that it affirmatively expresses the free will of the Japanese people.

These criteria governing the mechanics involved in constitutional revision thus far have been scrupulously followed, and they must continue to guide now that the issue is before the National Diet. For over eight months the revision of the constitution has been the paramount political consideration under discussion by all parties and all classes of the Japanese people. Numerous drafts have been prepared by the various political parties, educational groups, publicists, and individuals of all shades of thought and opinion. The press and radio and every other medium of discussion have been employed to an extent seldom witnessed in any national forum. Rarely has a fundamental charter, regulative of national life, been more thoroughly discussed and analyzed.

The Government Draft now before the Diet is a Japanese document and it is for the people of Japan, acting through their duly elected representatives, to determine its form and content—whether it be adopted, modified, or rejected. It therefore behooves members of the Diet to act upon this vital matter with the solemnity, with the wisdom and with the patriotism which they owe their country and the people they represent—scrupulously avoiding the influence of political creed, undue ambition, or selfish intrigue.

The present Japanese constitution provides in Article LXXIII: "When it has become necessary in future to amend the provisions of the present constitution, a project to the effect shall be submitted to the Imperial Diet by Imperial Order. In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained." It was in view of this constitutional requirement that the Government took measures to the end that the last election, which qualified the members of this Diet, was held with the Government Draft Constitution squarely before the people and under the paramount consideration that those elected would be charged with the duty of acting thereon. Few elections in modern times could be regarded as more truly democratic, reliable and expressive of the free will of the people. As a consequence the Diet which emerged therefrom is fully representative and qualified to express the will of the people on this issue.

In the course of legislative action upon this matter, it is incumbent upon the Diet that it assure to all members the free, fair and untrammelled right of discussion and debate, and that it give thoughtful consideration to every suggestion offered by its membership, regardless of strength or party affiliation. If it approaches its task with that high sense of duty, it will serve the nation well, as on the issue of a democratic constitution rests the future well-being of the Japanese people.

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"1 The Japanese Constitution should recognize that sovereign power resides in the people It should be so framed as to provide for

a A representative government based upon universal adult suffrage consisting of

(1) An executive deriving its authority from and responsible to either the electorate or a fully representative legislative body,

(2) A legislature, fully representative of the electorate, which should have full legislative powers, including full control over raising of public revenue and expenditure of public funds,

b The establishment of an independent judiciary,

c The guarantee of fundamental civil rights to all Japanese and to all persons within Japanese jurisdiction All Japanese shall enjoy equal rights before the law and no special privileges of particular social groups such as *the nobility shall be allowed*

d The popular election of heads on institutions of local government such as prefectures, cities, towns and villages,

e The popular election of local assemblies such as prefectural, city, town, and village,

f The adoption of constitutional amendments in a manner which will give effect to the freely expressed will of the Japanese people

2. Though the ultimate form of government in Japan is to be established by the freely expressed will of the Japanese people, the retention of the Emperor Institution in its present constitutional form is not considered consistent with the foregoing general objectives Consequently, the Japanese should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines

3 If the Japanese people decide that the Emperor Institution is not to be retained, constitutional safeguards against the institution will obviously not be required, but the Constitution will have to conform to the requirements of paragraph 1 and shall also provide

a That the legislature shall have sole authority over financial measures and any other organ shall possess only a temporary veto power over other legislative measures,

b That the Prime Minister and the Ministers of State, all of whom shall be civilians and of whom a majority, including the Prime Minister, shall be selected from the Diet, shall form a Cabinet collectively responsible to the legislature If a system of government is adopted whereby the Chief Executive is elected to that office by the people, the provision that a majority of the Cabinet members shall be chosen from the legislature should not necessarily apply,

c That the legislative organ shall have the power to meet at will

4 If the Japanese decide to retain the Institution of the Emperor, the following safeguards in addition to those enumerated in 1 and 3 above will be necessary

a When a Cabinet loses the confidence of the legislature, it shall either resign or appeal to the electorate

b The Emperor shall have no powers other than those to be conferred on him by the new Constitution He *shall act in all cases in accordance with the advice of the* Cabinet

c The Emperor shall be deprived of all military authority such as that provided in Articles XI, XII, XIII, and XIV of Chapter 1 of the Constitution of 1889

d All property of the Imperial Household shall be declared property of the State The expenses of the Imperial household shall be appropriated by the legislature

5 The retention of the Privy Council and the House of Peers in their present form and with their present powers is not considered consistent with the foregoing general objectives

[1] Serial No 36—FEC-031/4

[2] Serial No 47—FEC-031/10

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

25 August 1946.

Memorandum for the Chief, Government Section.
Subject: Powers of the Diet with Regard to Constitutional Amendments under the Meiji Constitution.

I. Introduction

The fundamental political transformation which Japan is undergoing as a consequence of her defeat and occupation has been fittingly characterized as "induced revolution." While it is true that the element of violence usually connected with the notion of revolution is absent, the collapse of the powers of the past and the acceptance of the Potsdam Declaration by the Japanese Government has been followed by a period of transition in which, under the direction and guidance of SCAP, social and political innovations materialize of such scope and with such a speed that the resemblance of certain features of the present development to conditions of a revolutionary nature cannot possibly be denied.

However, the constitutional lawyer is more concerned with the legal forms under which the political pattern of a nation changes than with the evaluation of the actual dynamics of such changes. He may still be satisfied that what has happened in Japan within the last year and what is happening at the present time does not constitute a breach of the constitutional continuity regardless of whether the historian retroactively might characterize it as revolutionary. Indeed, the retention of the Tenno institution has facilitated the legal fiction that the new Constitution submitted by the Emperor to the Diet is the legitimate successor of the Meiji Constitution. This fiction to which not only the Japanese Government, but also FEC and SCAP, adhere has resulted in the approach that not a completely new basic law, but an amendment of the Meiji Constitution is in the making. The political advantage of this construction is obvious, since it might become a safeguard against subsequent attempts to invalidate the new Constitution on the basis of legalistic arguments.

II. Purpose of Memorandum and Anticipated Conclusion

The consequence of this legal situation is that the new Constitution must be enacted under the forms required in the Meiji Constitution for constitutional amendments. The main rules with regard to such amendments are contained in Article 73, which reads:

"When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by Imperial Order.

"In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained."

The problem with which this Memorandum will deal is closely connected with the interpretation of this Article and may be formulated as follows:

When a project for a constitutional amendment has been submitted to the Diet by the Emperor, has the Diet the power to modify the project and enact additions to it, or may the Diet solely either adopt the project as a whole or reject it? This Memorandum comes to the conclusion that the Diet may enact such modifications and additions.

Although the analysis of this question was the primary task of the present Memorandum, the study of the constitutional literature as well as discussions with Japanese scholars revealed the existence of an even more important problem which arises with respect to the draft of a new *Constitution*. This problem concerns the scope of the initiative power of the Emperor regarding constitutional amendments and particularly the question whether the Emperor may submit to the Diet an amendment project which is designed to alter the fundamental principles of Japanese government or "the national polity." The discussion of this question had to be included in the Memorandum which otherwise would have been incomplete. The conclusion at which this writer arrives is that under the Meiji Constitution no limitations on the initiative power of the Emperor with regard to the change of the national polity exist.

III. Opinions and Literature

There are no precedents available for the procedure applied in connection with constitutional amendments. Since the Meiji Constitution has been in force, not a single amendment has been enacted. Robert Luce recalls the habit of men in all ages to think their institutions incapable of substantial betterment and the fact that authors of written forms of government appear to have been particularly confident that their work was the best

possible achievement and certain to endure [1] It goes without saying that this attitude prevails more than anywhere else in Japan where the Constitution is thought of as *Kokutai*, a phrase which expresses "the national polity under the unbroken line of monarchs " The Constitution, regarded as a gift of the Emperor Meiji to his subjects," has somehow partaken of the Emperor s sacred character [2]

It is not surprising, therefore that discussions concerning the procedure with regard to constitutional amendments, and particularly with respect to the powers of the Diet have been relatively meager in Japanese legal literature It is significant to note that even Prince Ito, usually considered as the father of the Meiji Constitution, does not touch on the first question with which this Memorandum is concerned In his *Comments* he merely points out that when a project for the amendment of the provisions of the Constitution has been submitted to the deliberation of the Diet, the latter cannot take a vote on any matter other than that contained in the project submitted to it [3]

a *Initiative Power of the Emperor*

Insofar as could be traced, there is unanimity among the Japanese legal experts that the sole power of initiating constitutional amendments rests with the Emperor But here the other problem is involved which is closely connected with the whole issue of continuity Although the Meiji Constitution does not contain any provisions restricting his initiative power, most writers hold that even the Emperor is subject to certain limitations when initiating changes of the Constitution In their opinion, he cannot propose the abolition of those fundamental principles on which the Constitution is based To do so would be political suicide, as Professor Miyazawa, expert on constitutional law at Tokyo Imperial University, expressed it in a conversation with the undersigned It appears that these fundamental principles are identical with *Kokutai* or with the national polity," which requires the unbroken line of imperial rulers It becomes now clear what Minister Kanamori had in mind when he emphasized in the Diet that the national polity has remained unaltered Ito takes up the point in the following remarks in his *Comments*

"[illegible]

whose provisions His present subjects and their descendants shall obey forever Therefore the essential character of the Constitution should undergo no alteration

"But law is advantageous only when it is in harmony with the actual necessities of society Thus, although the fundamental character of the national polity is to continue unaltered for all ages to come, yet it may become necessary at some time in the future, to introduce more or less modifications in the less important parts of the political institutions, so as to keep them in touch with the changing phases of society "[4]

This view is shared by Prof Tatsukichi Minobe who holds that the contents of the amendment proposed by the Emperor cannot be such as to nullify or abolish the entire Constitution The fundamental rule of the nation, which is identical with the national polity must, in his opinion, be continued unaltered, and he defines this fundamental rule as the principle laid down in Article 1 of the Constitution, which provides that the Empire of Japan shall be reigned and governed by a line of Emperors unbroken for ages [5] Ito interprets the words reigned over and governed" as meaning that the Emperor and his throne combines in himself the sovereignty of the state and the government of the country and of his subjects [6]

Professor Miyazawa, a student of Minobe, maintained that in normal times, say in 1938, the Emperor would not have had the power to submit the draft of a completely new Constitution such as the present draft to the Diet, because the proposed reforms of the system of government would have been in conflict with the national polity When asked who could have prevented him from doing so, Miyazawa answered, probably nobody, however then the change would not have been constitutional, but revolutionary in character The situation is, according to his opinion, different now because the national polity has been basically changed in consequence of the acceptance by the Japanese Government of the Potsdam Declaration There exists now a quasi-revolutionary situation so that the Meiji Constitution is alive only insofar as it is not in conflict with the Potsdam Declaration

b *Powers of the Diet*

With regard to the question whether and to what extent the Diet has the power under Article 73 of the Meiji Constitution to modify the amendment project of the Emperor or to enact additional provisions, three schools of thought might be distinguished The "orthodox theory" supported by the majority of writers, denies such power completely Representative of this theory is N Matsunami who in a textbook in the English language makes the following remark on the subject

[1] Robert Luce *Legislative Principles*, Boston, New York, 1930, p 144

[2] Harold S Quigley *Japanese Government and Politics*, New York, London, 1932, p 46

[3] Prince Hirobumi Ito *Commentaries on the Constitution of the Empire of Japan* (translated), p 142

[4] *Ibid*, p 140

[5] Tatsukichi Minobe *Commentary on the Constitution*, p 722

[6] P 3, see also Article 4 of the Meiji Constitution

"The Imperial Diet cannot modify the project because the modification of the project is the introduction of a different project and thus interferes with the initiative power of the Emperor; the Diet is only to give or refrain from giving its consent to the project."[7]

An opposite view with respect to modifications is taken by Minobe and his students. Their theory is that the revision of the Constitution is also a function of the legislature and that "the procedure is merely a more respectful method than that used for ordinary legislation." While the Diet is denied the power of initiating constitutional amendments, it must deliberate and approve them. The right of approval, however, necessarily includes the right of modification. On the other hand, Minobe holds that the addition of modifications of articles which are not included in the original draft or the addition of new articles by the Diet would constitute an assumption of the initiative power which the Diet is denied. To support this opinion, Minobe refers to the Comments of Ito who emphasizes that the Diet cannot take a vote on any matter other than what is contained in the project submitted to it.[8]

Minobe also fights the idea of the Emperor-granted Constitution, and some of his students go even so far as to maintain that under the Meiji Constitution the sovereignty is vested in the Emperor *and* in the Diet. This view was expressed to the undersigned by Ken Miyaudi, an official of the Bureau of Legislation.

A third school, while denying the Diet the power of modification, is concerned with the case when a revision draft of two or more articles of the constitution is submitted to the Diet and examines the question whether the two items may be considered separately. Here a distinction is made between the case that the two articles are closely related, for instance a general principle and exceptions thereto, and the case when no mutual relationship exists. In the first case they must be passed upon together, while in the second case the Diet could adopt one article of the proposed revision and reject the other.[9]

IV. Discussion

a. *Continuity and National Polity*

Legal continuity is maintained according to constitutional theory by simultaneous abrogation of the old Constitution and coming into force of the new Constitution, both acts being accomplished by the same instrument. However, it is understood that amendments are subject to the rules set forth in the old Constitution. That is also true of the enactment of a completely new Constitution, which the present draft actually represents. Historical precedents according to which new Constitutions came to birth without a revolutionary situation are naturally rare, but in some instances the attempt has been made to camouflage the actual revolution behind a strictly legal procedure under the existing Constitution. The fundamental changes in the basic law of France in the summer of 1940, when Petain assumed dictatorial powers, is a good illustration of this phenomenon. The constitutional changes necessary to destroy the foundations of the Third Republic were voted on by the National Assembly in conformance with the Constitution of 1871. Even Hitler when coming to power in 1933 never gave up the fiction that he built up the Third Reich on the legal basis of the Weimar Constitution, by making ample use of the emergency power of the Reich President.

The Meiji Constitution itself does not indicate that the basic law of Japan could not be changed completely. The preamble uses the phrase, "when in the future it may become necessary to amend any of the provisions of the present Constitution," and Article 73 reads, "when it has become necessary in the future to amend the provisions of the present Constitution." No limitation regarding the scope and the contents of such amendments is included in these provisions. The idea that the national polity must remain unaltered forever has been interpreted into the Constitution subsequent to its passage and belongs to the realm of legal theory. It has its origin in the pious wish of the interpreters to retain the Tenno system in its traditional form and in the awe which most people, and particularly the Japanese, feel toward their Constitution. In this connection it appears significant that Ito did not actually consider illegal amendments of the Constitution which affected the fundamental principles of Japanese government. His comment on this point is very cautiously worded. It reads:

"The essential character of the Constitution should undergo no alteration."

If the framers of the Constitution had intended to impose such important limitations on the initiative power of the Emperor, they would have seen to it that the Constitution contained an explicit and unequivocal statement to that purpose, as did the French Constitution of 1871 which provided that the republican form of government could not be changed in future. But apparently they did not go so far as to consider their constitutional pattern as designed for eternity, and, on the other hand, their respect for and subservient devotion to the Emperor would not have allowed them to limit his initiative power.

[7] N. Matsunami: *The Japanese Constitution and Politics*, Tokyo, 1940, p. 62

[8] *Op. Cit.* p. 722.

[9] See Toru Shimizu: *On the Constitution, National Laws*, p. 201, and Dr. Ushijiro Sato, *Lecture on the Imperial Constitution*, 1942, pp. 368–370

If this opinion is not approved, the position should be taken that the national polity has been affected by events other than formal amendments of the Constitution To deny that the acceptance of the Potsdam Declaration by the Japanese Government has basically altered this national polity would come pretty near to an admission that the objectives of the Occupation cannot be achieved It must be remembered that the national polity, according to Ito, is formulated in Art I of the Constitution, which proclaims that the Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal This means that the Emperor combines in himself the *sovereignty* of the state (Art 4) and the government of the country and of his subjects The situation, however, as it exists in fact and as it will be legally fixed in the new Constitution, is exactly characterized by the transition of the sovereignty from the Emperor to the people. As far as the new role of the Emperor is concerned, it might be defined by the French phrase "le roi reigne, mais il ne gouverne pas "

While it cannot be denied, consequently, that the acceptance of the Potsdam Declaration has altered the national polity, this does not necessarily mean a break of legal continuity The impact of international developments and treaties cannot be separated from the political life of a nation and must be taken into account when appreciating the evolution which this nation has undergone The Meiji Constitution itself followed the restoration of the Emperor, which was brought about by the pressure of international events There is no complete stability of governmental institutions, and changes are not exclusively effected by constitutional amendments No Constitution can forever forbid future generations to adapt its interpretation to changed conditions unforeseeable by its fathers The opinion of Professor Kawashima that the Meiji Constitution is alive only insofar as it does not conflict with the Potsdam Declaration might not be accepted as a generalization, but there is no doubt that under the impact of international and domestic developments the interpretation of the unalterability of the national polity has become untenable

b *Modification of the Amendment Draft by the Diet*

The language of Article 73 of the Meiji Constitution does not give any clue regarding limitations of the Diet in its legislative function of deliberating constitutional amendments and voting on them No explicit provision is included that the Diet has only the alternative of adopting or rejecting the revision project as a whole Here, again, it has been a matter of subsequent interpretation to impose such limitation on the legislative branch of the government The main argument is that any modification or addition to the proposed revision would impair the initiative power of the Emperor This argument is, however, not convincing The rule that constitutional amendments cannot be initiated by the Diet, but must be submitted to it by the Emperor establishes merely a distribution of powers, according to which the initiative belongs to the Emperor and the deliberation as well as the vote belongs to the Diet As soon as the revision project has reached the Diet, it has passed the stage of initiation and entered that of legislative action, since constitutional amendments under the Meiji Constitution are part of the legislation The right to vote modifications cannot be denied the Diet, because it is inherent in the very nature of legislation To deny the Diet this right and compel it to vote either yes or no would *mean to deprive it of its essential functions* To be sure, Art 5 of the Meiji Constitution states that the Emperor exercises the legislative power with the consent of the Imperial Diet, but this formulation does not imply that the Diet should not be free in the determination whether ***and to what extent*** it gives its consent Modifications must be allowed the Diet even at the risk that the contents of the original project are considerably altered and the innovation might appear as a "different project " In this case it has become a different project when it was no longer in the stage of initiation

If the theory which imposes limitations on the functions of the Diet is in part motivated by the apprehension that modifications of the Imperial project would be an expression of disrespect against the Emperor, it should be pointed out that the complete rejection of his project is even a greater shock to his prestige

As to additions to the project, the question is, indeed, more doubtful than with regard of modifications Although the borderline between the two is frequently not clearly definable, it would appear reasonable to require that additions are connected with the project and that they are not completely new amendments of the Constitution However, this problem does not arise in the case of the present revision draft The latter, being a comprehensive draft of a new Constitution, the distinction between modification and addition becomes meaningless, since the project itself is not limited to individual items Therefore any addition is related to the project

It is interesting to note that the Diet itself obviously shares the view presented in this Memorandum, as it has without reluctance assumed the right to modify individual articles, to strike out one article and to add four new articles

[illegible]

But are they incurably defective? The writer does not believe so, but holds that the defect can be remedied if and when the Emperor gives his sanction to the constitutional amendment as revised by the Diet According to Article 6 of the Meiji Constitution, the Emperor gives

anction to laws—and the Constitution is the supreme aw of the nation—and orders them to be promulgated nd executed. Since the argument against the power of nodification is based solely on the assertion that it would nterfere with the initiative power of the Emperor, any possible defect can be remedied if the Emperor, whose rights are assertedly impaired, himself sanctions the resolutions of the Diet. As the political situation actually is, he will undoubtedly sanction and promulgate the Constitution as passed by the Diet.

V. Conclusions

This Memorandum arrives at the following conclusions:

1. The power of the Emperor to initiate constitutional amendments is unlimited. He is not bound to retain the fundamental principles of Japanese government, usually referred to as the *national polity*, because:

a. the Meiji Constitution does not contain such limitation, which has been introduced by subsequent interpretation; and

b. even if such limitation was recognized before, the acceptance of the Potsdam Declaration has altered the Japanese national polity.

2. The Diet has the power to modify and supplement the amendment project of the Emperor, because:

a. Article 73 of the Meiji Constitution does not contain limitations with regard to the scope of deliberation and voting by the Diet;

b. Only the initiative belongs to the Emperor, but as soon as the project is submitted to the Diet, the latter is free to vote on it as on any other law;

c. The right to change and supplement drafts is inherent in the legislative assembly and constitutional amendments are part of the legislative function; and

d. Even if the right of modification and addition should be denied the Diet, revisions enacted by the Diet against this rule would be remedied if and when the Emperor sanctions and promulgates the new Constitution, as revised by the Diet.

(s) Alfred C. Oppler,

Noted: CLK (t) ALFRED C. OPPLER,
Chief Legal Officer,
Governmental Powers Division.

FURTHER POLICIES RELATING TO A NEW JAPANESE CONSTITUTION

JCS Directive Serial No 60,
October 10, 1946

The following directive, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on 25 September 1946, under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War, and Navy Departments for transmission to you for guidance in accordance with paragraph III, 1, of those terms of reference

"The Far Eastern Commission reaffirms its previous decision, taken in FEC-031/19,[1] basic principles for a new Japanese Constitution, that all cabinet ministers should be civilians, and further decides as a matter of policy that the House of Councillors should not have a predominance over the House of Representatives The Commission considers essential its continuing right to scrutinize the implementing legislation very carefully to insure that such predominance is not established

[1]Serial No 54

Appendix C: 17

DIRECTIVE REGARDING PROVISIONS FOR THE REVIEW OF A NEW JAPANESE CONSTITUTION
JCS Directive Serial No. 62,
October 28, 1946

The following directive, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on 17 October 1946, under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War, and Navy Departments for transmission to you for your guidance in accordance with paragraph III, 1, of those terms of reference:

"1. The new constitution, which will in due season after promulgation become the legal successor of the present constitution with such changes as have been made or may be made as a result of consideration and policy decision of the Far Eastern Commission, shall be subject to further review by the Diet and the Far Eastern Commission in terms of the following paragraph.

"2. In order that the Japanese people may have an opportunity, after the new constitution goes into effect, to reconsider it in the light of the experience of its working, and in order that the Far Eastern Commission may satisfy itself that the constitution fulfills the terms of the Potsdam Declaration and other controlling documents, the Commission decides as a matter of policy that, not sooner than 1 year and not later than 2 years after it goes into effect, the situation with respect to the new constitution should be reviewed by the Diet. Without prejudice to the continuing jurisdiction of the Far Eastern Commission at any time, the Commission shall also review the constitution within this same period. The Far Eastern Commission, in determining whether the Japanese constitution is an expression of the free will of the Japanese people, may require a referendum or some other appropriate procedure for ascertaining Japanese opinion with respect to the constitution."

November 1st, 1946

GENERAL OF THE ARMY DOUGLAS MACARTHUR,
General Headquarters, Tokyo

My dear General

I omitted to mention last evening my appeal to you regarding the proposed Imperial amnesty on this history making occasion of the promulgation of the new Constitution

I learn you have made two stipulations regarding the amnesty that

A Those committed in violation of the Occupation Purposes "

B Those committed in violation of the Election Laws should be excluded from the Imperial amnesty

As you know the Imperial amnesty has been traditionally exercised in the past on memorable occasions but the present one in question is no ordinary one I could not think of any event which could be more important than the present one and the Imperial amnesty, I think, should be done with this view in mind

Frankly, I hoped you would approve of the amnesty without exceptions I see your reason for [illegible]

born, in the true democratic sense of the word, on this occasion

Your favourable consideration of my wish will be very much appreciated by

Yours most sincerely,

(S) Shigeru Yoshida
(T) SHIGERU YOSHIDA

2 November 1946

Dear Mr Prime Minister

After careful consideration of your letter of November 1st, I have decided to withdraw my objection to including within the terms of the Amnesty those persons who committed crimes in violation of the election laws The inclusion of this type of offender within the amnesty provisions will, of course, make it necessary to take even greater precautions to guard against corrupt practices and other abuses during the forthcoming elections

Very sincerely,

DOUGLAS MACARTHUR

MR SHIGERU YOSHIDA,
Prime Minister of Japan, Tokyo

Appendix C 19

GENERAL MacARTHUR'S MESSAGE ON PROMULGATION OF THE NEW CONSTITUTION

The adoption of this liberal charter, together with other progressive measures enacted by the Diet, lays a very solid foundation for the new Japan Like the product of all human endeavor, it has its frailties but by and large it shows how far we have come since hostilities ended It represents a great stride forward toward world peace and good will and normalcy

Appendix C: 20

IMPERIAL RESCRIPT

November 3, 1946.

I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decisions of the Imperial Diet made in accordance with Article 73 of the said Constitution.

Signed: HIROHITO, Seal of the Emperor.

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946).
Countersigned:

Prime Minister and concurrently Minister for Foreign Affairs, YOSHIDA Shigeru.
Minister of State, Baron SHIDEHARA Kijuro.
Minister of Justice, KIMURA Tokutaro.
Minister for Home Affairs, OMURA Seiichi.
Minister of Education, TANAKA Kotaro.
Minister of Agriculture and Forestry, WADA Hiroo.
Minister of State, SAITO Takao.
Minister of Communications, HITOTSUMATSU Sadayoshi.
Minister of Commerce and Industry, HOSHIJIMA Niro.
Minister of Welfare, KAWAI Yoshinari.
Minister of State, UEHARA Etsujiro.
Minister of Transportation, HIRATSUKA Tsunejiro.
Minister of Finance, ISHIBASHI Tanzan.
Minister of State, KANAMORI Tokujiro.
Minister of State, ZEN Keinosuke.

THE CONSTITUTION OF JAPAN

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people This is a universal principle of mankind upon which this Constitution is founded We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth We recognize that all peoples of the world have the right to live in peace, free from fear and want

We believe that no nation is responsible to itself alone, but that laws of political morality are universal, and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources

Chapter I The Emperor

Article 1 The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power

Article 2 The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet

Article 3 The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor

Article 4 The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government

The Emperor may delegate the performance of his acts in matters of state as may be provided by law

Article 5 When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name In this case, paragraph one of the preceding article will be applicable

[illegible]

Article 7 The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people

Promulgation of amendments of the constitution, laws, cabinet orders and treaties

Convocation of the Diet

Dissolution of the House of Representatives

Proclamation of general election of members of the Diet

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights

Awarding of honors

Attestation of instruments of ratification and other diplomatic documents as provided for by law

Receiving foreign ambassadors and ministers

Performance of ceremonial functions

Article 8 No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet

Chapter II Renunciation of War

Article 9 Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes

[illegible]

Chapter III. Rights and Duties of the People

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed,

except according to procedure established by law

Article 32 No person shall be denied the right of access to the courts

Article 33. No person shall be apprehended except

without being at once informed of the charges against him or without the immediate privilege of counsel, nor shall he be detained without adequate cause, and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35 The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant

warrant issued by a competent judicial officer

Article 36 The infliction of torture by any public officer and cruel punishments are absolutely forbidden

Article 37 In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State

Article 38 No person shall be compelled to testify against himself

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence

No person shall be convicted or punished in cases where the only proof against him is his own confession

Article 39 No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy

Article 40 Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law

Chapter IV The Diet

Article 41 The Diet shall be the highest organ of state power, and shall be the sole law making organ of the State

Article 42 The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors

Article 43 Both Houses shall consist of elected members, representative of all the people

The number of the members of each House shall be fixed by law

Article 44 The qualifications of members of both Houses and their electors shall be fixed by law However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income

Article 45 The term of office of members of the House of Representatives shall be four years However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved

Article 46 The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years

Article 47 Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law

Article 48 No person shall be permitted to be a member of both Houses simultaneously

Article 49 Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law

Article 50 Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House

Article 51 Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House

Article 52 An ordinary session of the Diet shall be convoked once per year

Article 53 The Cabinet may determine to convoke extraordinary sessions of the Diet When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation

Article 54 When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election

When the House of Representatives is dissolved, the House of Councillors is closed at the same time However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the

House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the house of Councillors.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter V. The Cabinet

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses

Article 69 If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days

Article 70 When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse

Article 71 In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed

Article 72 The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches

Article 73 The Cabinet, in addition to other general administrative functions, shall perform the following functions

Administer the law faithfully, conduct affairs of state

Manage foreign affairs

Conclude treaties However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet

Administer the civil service, in accordance with standards established by law

Prepare the budget, and present it to the Diet

Enact cabinet orders in order to execute the provisions of this Constitution and of the law However, it cannot include penal provisions in such cabinet orders unless authorized by such law

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights

Article 74 All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister

[illegible]

Chapter VI Judiciary

Article 76 The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws

Article 77 The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs

Public procurators shall be subject to the rule-making power of the Supreme Court

The Supreme Court may delegate the power to make rules for inferior courts to such courts

Article 78 Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties No disciplinary action against judges shall be administered by any executive organ or agency

Article 79 The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law, all such judges excepting the Chief Judge shall be appointed by the Cabinet

[illegible]

resentatives after a lapse of ten (10) years, and in the same manner thereafter

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed

[illegible]

during their terms of office

Article 80 The judges of the inferior courts shall be [illegible]

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office

Article 81 The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act

Article 82 Trials shall be conducted and judgment declared publicly

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly

Chapter VII. Finance

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter VIII. Local Self Government

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter IX. Amendments

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

Chapter X. Supreme Law

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter XI. Supplementary Provisions

Article 100. This Consitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convoca-

tion of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph

Article 101 If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted

Article 102 The term of office for half the members

with law

Article 103 The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course

Appendix C: 22

ISSUANCE OF THE POLICY DECISION ON REVIEW OF THE JAPANESE CONSTITUTION

JCS Directive Serial No. 66,
December 18, 1946.

The following directive, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on 6 December 1946, under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War, and Navy Departments for transmission to you for your guidance in accordance with paragraph III, 1, of those terms of reference:

"1. The terms of the policy decision contained in FEC-034/41 (provisions for the Review of a New Japanese Constitution, approved on 17 October 1946 and forwarded to the Supreme Commander for the Allied Powers on 28 October),[1] should be formally communicated to the Government of Japan.

"2. The time and manner of public announcement of this policy decision are still being considered by the Far Eastern Commission."

[1]Serial No. 62 (FEC-031/43).

Appendix C. 23

IMPERIAL JAPANESE GOVERNMENT

December 27, 1946

My dear General

I desire to address you specially with regard to the Criminal Code now in the process of revision Mr Kimura, Minister for Justice, was informed orally on December 20 by Brig Gen Whitney, Chief of Government Section, to the effect that you had instructed the deletion of Articles 73 and 75 relating to high treason as well as Articles 74 and 76 relating to lèse-majesté As to Articles 73 and 75, however, there are several reasons which necessitate their retention

In the first place, the fact that even under the new Constitution the Emperor's position is that of "Symbol of the State and of the unity of the people" accords with the traditional faith which has been held firmly by the Japanese nation ever since the foundation of Japan It is truly a high and lofty position Moreover, it is undeniable that the Emperor is ethically the center of national veneration That an act of violence against the person of the Emperor, occupying such a position, should be considered as of a character subversive of the State, and deserving of severe moral censure and a severer punishment than any act of violence against the person of an ordinary individual is quite natural from the standpoint of Japanese national ethics It is similar to the case of acts of violence against the person of one's parent or ancestor, which is considered of deserving of a severer punishment than an act of violence against the person of an ordinary individual

Secondly the same is true of the members of the Imperial Family As long as acts of violence against the person of the Emperor are to be punished with special consideration as above, it follows that a member of the Imperial Family, occupying an important place in respect of succession to the Throne, should be placed in a position different from ordinary individuals

Thirdly the fact that all the countries under monarchial system such as England have special provisions relating to acts of violence against the person of the Sovereign demonstrates beyond dispute the truth of the above statement

Accordingly, I believe that the retention of Articles 73 and 75 of the Criminal Code will fall in line with the sentiments and moral faith of the Japanese nation

I earnestly hope that the matter will receive your reconsideration in the light of what I have stated above

Yours sincerely,

(Sgd) SHIGERU YOSHIDA

GENERAL OF THE ARMY DOUGLAS MACARTHUR,
General Headquarters, Tokyo.

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GENERAL OF THE ARMY DOUGLAS MACARTHUR,
General Headquarters, Tokyo

Tokyo, Japan,
25 February 1947.

Dear Mr. Prime Minister:

I have carefully considered your letter of December 27th in which you request reconsideration of the instruction conveyed by General Whitney to the Minister of Justice on December 20th that Articles 73 and 75, as well as Articles 74 and 76, of the Penal Code be abrogated. In your letter you submit three reasons for the retention of these articles: first, the position of the Emperor under the new Constitution; second, the position of the Imperial family in relation to ordinary individuals; and third, the special provisions which you assert exist in a monarchy such as England for the protection of the King.

As to your first point, it would appear that to consider an act of violence against the person of the Emperor as "of a character subversive of the State" would be undesirable and inconsistent with the spirit of the new Constitution. As the symbol of the State and of the unity of the people, the Emperor is entitled to no more and no less legal protection than that accorded to all other citizens of Japan who, in the aggregate, constitute the State itself. To hold otherwise would violate the fundamental concept, clearly and unequivocally expressed in the new Constitution, that all men are equal before the law, with the necessary implication therefrom that no individual, whatever his position, shall be vouchsafed judicial safeguards denied the ordinary citizen, the ultimate repository of all State authority.

The respect and affection which the people of Japan have for the Emperor form a sufficient bulwark which need not be bolstered by special provisions in the criminal law implying suzerainty. The former concept of a peculiar Japanese national ethic distinctly differing from universally recognized ethical principles was repudiated by the Emperor himself in his Rescript of January 1st, 1946, eschewing the myths and legends from which this concept was created.

As for your second point, I feel that there is even less basis for rationalizing a special position for other members of the Imperial family. The elevation of these members to a higher status under the law could only be construed as a discrimination based upon family origin, the essence of which is repugnant to the emergence of a free and democratic society.

As for your third point, there is no statutory provision in British law comparable to Article 73 and 75 of the Japanese Penal Code. In fact, under the statute of 5 and 6 Victoria, Chapter 61, assault upon the British Monarch is punishable as a misdemeanor. Although, the ancient Statute of Treasons, ordained prior to representative government during the reign of Edward III, took a more serious view of violence against the King's person and, because a mediaeval sovereign then embodied in his person all the powers of state, included such acts of violence within the crime of treason. This six hundred year old statute, last revised a century ago, is a remnant of and derived from the age of Germanic feudalism and there is no record of its modern application, nor is there the slightest analogy to the situation now existing in Japan.

Furthermore, the experience of the United States, where there has never existed any such special safeguards, demonstrates the adequacy of general legislation to punish crimes against even the head of the State. In all instances in American history where violence has been attempted or perpetrated against the person of the President of the United States, even though death has resulted, prosecution of offenders has proceeded under no special statute but in accordance with the general law of the State having jurisdiction.

Now that sovereignty is vested in the Japanese people and, as in the United States, there is no other sovereign, retention of Articles 73 and 75 of the Penal Code relating to "acts of violence against the person of the Sovereign" would be an anachronism. It would at once provoke scepticism both among the peoples of the Allied world and the people of Japan as to the good faith embodied in the new concept underlying the constitutional provision for sovereignty.

In view of the fact that the Japanese Penal Code provides the death penalty for murder and severe penalties for acts of violence against persons, the dignity of human life and the inviolability of the character and person of the individual are fully recognized. It follows that all articles of the Penal Code relating to crimes against the Imperial House are surplusage and should be eliminated by approporiate Ordinance.

Sincerely yours,

Douglas MacArthur.

The Prime Minister of Japan, Tokyo.

Appendix C 24

Tokyo, Japan
3 January, 1947

Dear Mr Prime Minister

In connection with their consideration of political developments in Japan during the course of the past year, the Allied Powers have decided, in order to insure to the Japanese people full and continuing freedom of opportunity to reexamine, review, and if deemed necessary amend the new constitution in the light of experience gained from its actual operation, that between the first and second years of its effectivity it should again be subjected to their formal review and that of the Japanese Diet If they deem it necessary at that time, they may additionally require a referendum or some other appropriate procedure for ascertaining directly Japanese opinion with respect to it In other words, as the bulwark of future Japanese freedom, the Allied Powers feel that there should be no future doubt that the constitution expresses both the free and considered will of the Japanese people

These continuing rights of review are of course inherent, but I am nevertheless acquainting you with the position thus taken by the Allied Powers in order that you may be fully informed in the premises

With cordial wishes for the new year,
Most sincerely,

DOUGLAS MACARTHUR

MR SHIGERU YOSHIDA,
Prime Minister of Japan, Tokyo

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The Prime Minister of Japan, Tokyo.

Appendix C 24

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Most sincerely,

DOUGLAS MACARTHUR

MR SHIGERU YOSHIDA,
Prime Minister of Japan, Tokyo

Appendix C: 25

Tokyo, Japan.
May 2, 1947.

Dear Mr. Prime Minister:

With the effectuation of the new Japanese Constitution, there will be established in Japan a government, erected on democratic principles by a free expression of the popular will, composed of coordinate organs of state power fully responsible to the people in whom the sovereignty now rests, and dedicated to the realization and safeguard of the sanctity of human freedom and the furtherance among men of lasting peace.

To mark this historic ascendency of democratic freedom which events have made possible, I believe it peculiarly appropriate that from henceforth the Japanese national flag be restored to the people of Japan for unrestricted display within and over the premises which house the National Diet, the Supreme Court, and the Prime Minister, as representative of the three main branches of constitutional government, and within and over the residence of the Emperor, who assumes his constitutional role as symbol of the State and of the unity of the people.

Let this flag fly to signify the advent in Japanese life of a new and enduring era of peace based upon personal liberty, individual dignity, tolerance and justice.

Very sincerely,

DOUGLAS MACARTHUR.

The Prime Minister of Japan, Tokyo

Appendix C 25

May 3, 1947

My dear General

On behalf of the Japanese nation, I wish to express my profound gratitude and appreciation to you for restoring the national flag to the people of Japan for unrestricted display within and over the premises of the National Diet, the Supreme Court, and the Prime Minister's residence as well as the Imperial Palace

I assure you that the Japanese people shall respond to the trust and confidence shown in them by this significant step and shall devote their utmost endeavors to attain the high ideals embodied in their new Constitution

The effectuation of the new Constitution tomorrow does indeed signify the start of a new and enduring era of peace based upon personal liberty, individual dignity, tolerance, and justice The restoration of the national flag to the Japanese nation at this historic moment is most fitting and shall spur them on to new and higher efforts to become a truly democratic and peaceful nation

Yours sincerely,

(Sgd) SHIGERU YOSHIDA

GENERAL OF THE ARMY DOUGLAS MACARTHUR,
General Headquarters, Tokyo

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Very sincerely,

DOUGLAS MACARTHUR.

The Prime Minister of Japan, Tokyo.

a Vice-Prime Minister Although the Cabinet Secretary operates as a Parliamentary vice-Minister he does not have to be a member of the Diet as is the case with Parliamentary Vice-Ministers

The responsibility of the Chief Secretary is upward toward the Prime Minister and not downward toward the organizations under his supervision In other words, his principal function is that of offering advice to the Prime Minister not of administering the sections under him Usually the Assistant Chief Secretary is responsible primarily for the administration of the Cabinet Secretariat However, if the Assistant Chief happens to be a man of strong personality it is possible that he may be used more as an advisor of the Prime Minister than as an administrator The Assistant Chief Secretary also supervises the Cabinet Councillors' Chamber

The Cabinet Secretariat is not a separate Cabinet organ but is a collective term covering its component Sections, namely, General Affairs, Personnel, Accounts, and the Cabinet Councillors' Chamber The head of each Section is directly responsible to the Chief Cabinet Secretary Most of its functions pertain only to the Cabinet although some cover government-wide fields of activity

The responsibilities of the Cabinet Secretariat can be listed as follows promulgation of Imperial Rescripts, Imperial messages, laws and ordinances, preservation of original copies of the Constitution, Imperial Rescripts, Imperial messages, laws and ordinances, inspection, compilation, drafting, preservation, receiving and dispatching of official documents, appointment, promotion and dismissal of First and Second Class government officials, preservation of the personal history records of First- and Second-Class officials, custody of the Cabinet s Official seal, management of the Secretariat Library, matters pertaining to the publication of the Official Gazette and compilation of laws and ordinances, accounts pertaining to the Cabinet, matters pertaining to the Tohoku (Northeast) Region of Japan, and matters not coming under the jurisdiction of other Sections, for example, handling the Cabinet Conference

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The General Affairs Section also functions for the Cabinet in the same way as Archives and Documents Sections do for Ministries It is responsible for the receipt, distribution and dispatching of official documents involving business to be transacted by the Cabinet Its responsibility for the drafting of documents is also the same as that of Archives and Documents Sections of Ministries It checks drafts of bills or ordinances concerning the Cabinet for proper language, but if any changes involve possible alterations of meaning they must be referred to the Section or Bureau originating the document The preservation and compilation of official documents, another General Affairs Section function, covers only documents which deal with the business of the Cabinet State papers and other important documents are excluded from this function as they are handled in a different manner

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The Personnel Section of the Secretariat has two types of personnel responsibility one regarding personnel on the staff of the Cabinet and the other regarding overall personnel problems involving First and Second Class officials of all Ministries Most of the work is routine personnel work As an example of the type of overall responsibility in regard to personnel matters, the purge was offered Questions involving salaries and bonuses for all First and Second Class officials are also handled

Appendix D

DOCUMENTS RELATING TO REORGANIZATION OF THE GOVERNMENT

General Headquarters
Supreme Commander for the Allied Powers
Government Section

July 18, 1946.

THE CABINET

1. Introductory Statement

In Japan the term "Cabinet" has two distinct meanings. The first is a collective term to designate all Ministers of State and the Prime Minister. In this sense, the terms "Cabinet" and "Cabinet Council" are interchangeable. The second meaning designates the executive agencies of the Prime Minister, comprising special executive offices directly responsible to the Prime Minister and entirely apart from the Ministries and the Cabinet Council.

The Cabinet Council (*Kakugi*) is composed of all the heads of Ministries, Ministers of State without Portfolio, the Chief of the Bureau of Legislation, and the Chief Secretary of the Cabinet. The Cabinet Council must pass on the following: drafts of laws; the draft budget, treaties with foreign countries and important international agreements, imperial ordinances concerning law enforcement and administrative rules and regulations, jurisdictional disputes among the various Ministries, public petitions forwarded by the Diet or from the Emperor; disbursements not provided for in the budget, and the appointment, award of honors to and treatment of First Class officials. The Cabinet as an executive agency of the Prime Minister likewise has important governmental functions However, these functions are, generally speaking, more administrative than policy-making

The Cabinet in each of its capacities has Bureaus and Sections attached to it Attached directly to the Cabinet Council are the Bureau of Legislation and the Bureau of Decorations. Attached directly to the Cabinet in the second sense, or, perhaps more accurately, to the Prime Minister, are the Cabinet Secretariat (which also functions for the Cabinet Council), the Bureau of Pensions, the Bureau of Statistics and a number of boards, bureaus and committees which have been created on a more or less temporary basis to aid the Prime Minister on various matters of government business.

The Cabinet and its subordinate bureaus, boards, sections and committees have powers or functions which are either not delegated to other government agencies or are general in nature, such as personnel affairs covering all higher officials.

Although all Cabinet Ministers, the Chief Secretary of the Cabinet, and the President of the Bureau of Legislation must resign when a Cabinet falls, officials of the lesser agencies connected with the Cabinet usually remain in office.

The Cabinet as a whole can be regarded as the principal executive organ under the Japanese system of government. However, it would be somewhat inaccurate to think of it as "executive" in the Occidental sense of the term. According to Japanese political theory, the Emperor combines in himself all powers of government and simply delegates to the Cabinet the responsibility for the administration of law and the direction of the execution of governmental policy.

In more prosaic language, the Cabinet in one of its capacities can be regarded as a general administrative "housekeeping" unit of the government as a whole and in another sense it can be regarded as one of the supreme consultative organs for the Emperor. As a "housekeeping" unit it is simply a government body which can be considered in the same light as a Ministry; as a consultative body it is the Cabinet Council.

The Cabinet Council meets on Tuesday and Friday of each week. This has developed by custom; it is not set up by regulation. This schedule of meetings could be altered by unanimous agreement among the Ministers of State, but this has never been done. By custom the Chief of the General Affairs Section of the Cabinet Secretariat manages the details of the Cabinet meetings and consequently he is regarded as the senior officer among the Section Chiefs of the Cabinet Secretariat.

2. The Cabinet Secretariat

The key organ for the administration of the business of the Cabinet is the Cabinet Secretariat. The Secretariat is responsible to both the Cabinet Council and to the Prime Minister. However, it is directly under the supervision of the Chief Cabinet Secretary and the Assistant Chief Cabinet Secretary, both of whom are responsible directly to the Prime Minister.

The Chief Secretary is responsible for the proper functioning of the Cabinet Secretariat. He serves in a capacity equivalent to that of a Parliamentary vice-Minister; and has certain functions similar to those of a vice-Minister. However, he is not to be considered as being

a Vice-Prime Minister Although the Cabinet Secretary operates as a Parliamentary vice-Minister he does not have to be a member of the Diet as is the case with Parliamentary Vice-Ministers

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by this Section.

The Section maintains its own file of personal history records (*Rireki Sho*) of all First and Second Class officials. This is a partial duplication of the work of the personnel sections of the Ministries as personal history records are also kept by them, however, the Cabinet Personnel Section is concerned only with the important events in a man's official career while the Ministries, generally speaking, are concerned with every personnel detail. The Cabinet Personnel Section does, however, enter in its personal history records all items which appear in the Official Gazette about an official.

The Personnel Section maintains these records because the Cabinet is in charge of the appointment and dismissal of all First and Second Class officials. Recommendations originate in a Ministry and pass through the Cabinet before being submitted for Imperial approval. First Class officials must be approved by the Cabinet Council while Second Class officials need only the approval of the Prime Minister.

The work of the Accounts Section is routine in nature. It handles all accounting matters of the Cabinet. It is also responsible for drawing up the budget for all Cabinet agencies except the Board of Communications.

The Cabinet Councillors' Chamber, established in 1945, was preceded by the Cabinet Planning Board (*Sogo Keikaku Kyoku*) and the Investigation Board (*Chosa Kyoku*) which succeeded the Planning Board.

It was stated that the Chamber operates as a Cabinet "brain trust" on important matters. It consists of 39 members, which include at least one man from each Ministry. Stress is placed on the appointment of younger men of superior ability. Its personnel is made up of nineteen Second Class officials and twenty Third Class officials.

The Chamber sits continuously on problems presented to it. It is primarily concerned with important policies which may be in the process of formulation in Ministries and other government agencies. It is under the jurisdiction of the Assistant Chief Cabinet Secretary. Matters are referred to it from the Cabinet Council, from the vice-Ministers' conference and directly from Ministries desiring advice.

It is also responsible for making surveys of public opinion. Its work in this field is indirect, that is, it does not send out investigators to establish direct contact with the public nor does it poll the public directly. The primary sources of its materials are: publications, contact with various experts who may be in a position to evaluate public opinion, and contact with newspapers and the Japan Broadcasting Corporation.

The Chamber does not issue public reports on the results of its opinion surveys. The results are reported directly to the Prime Minister and to other Ministers for their reference. This work was formerly the responsibility of the Cabinet Board of Information.

3. The Bureau of Statistics

This Bureau with the Bureau of Pensions, the Cabinet Secretariat, and the Cabinet Councillors' Chamber, is under the supervision of the Chief Secretary of the Cabinet who is in turn directly responsible to the Prime Minister (not the Cabinet Council).

The Bureau can be described as the overall statistical agency of the Japanese government. Non-governmental agencies can also receive the results of the operations of the Bureau. Its work is purely technical; it has no policy-making functions.

Its chief functions are as follows: coordination of statistics compiled by other governmental agencies; matters concerning international statistical data; population census work; labor statistics; statistical work not coming under the jurisdiction of other governmental agencies; publication of statistical data and exchange of statistical records both at home and abroad; training of statisticians; and convocation of conferences of statisticians of various governmental and non-governmental agencies.

With the exception of international statistics the nature of the work has not altered greatly since before the war. However, the scale of the work became smaller and smaller during the course of the war.

The Bureau is organized into the following six sections: General Affairs, Investigation, Population, Labor, First Tabulation, and Second Tabulation. The functions of the last two are purely mechanical as they are concerned only with the making of charts.

The General Affairs Section handles the administrative work of the Bureau (personnel, accounting, and handling of documents) and some of its more important business functions. For example, it is in charge of the coordination and publication of statistical reports submitted by governmental agencies. It is also in charge of the training of statisticians (who are usually of pre-Third Class rating) and in the convocation of conferences of government statisticians.

The Investigation Section was primarily responsible for the handling of statistics which were to be distributed to the League of Nations and to international statistical conferences. Naturally, it has little to do at present.

The Population Section is in charge of the investigation, arrangement and publication of statistics on the census, causes of death and vital statistics. The required statistical material is collected from officials of cities, towns, and villages, each of which maintains a record of all residents, both Japanese and foreign.

The Labor Section deals with two types of statistics: one concerning labor and the other concerning living conditions. The work on labor involves statistics on

number of laborers, average age of laborers, amount of child labor according to sex, average rates of pay for

As has been stated, the First and Second Tabulation Sections deal simply with the making of charts and diagrams The First Section deals with vital statistics, causes of death, labor, investigation of household economy The Second Section handles only census statistics Each is responsible for the custody of materials on which its work is based

4 Bureau of Pensions

The Bureau of Pensions is a Cabinet agency directly responsible to the Prime Minister Its principal task is the establishment of government policy concerning the payment of pensions to government employees and for the general administration of the Japanese pension system Its specific functions are granting the right to receive pensions, decisions on appeals concerning pensions, allocation of pension payments to national and local budgets, and supervision of the Pensions Bank This pension work involves all government employees, not only those attached to the Cabinet

The General Affairs Section handles routine administrative matters It is also in charge of such pension matters as the allocation of pension costs to national and local budgets, matters concerning the Pensions Investigation Committee, and supervision of the Pension Bank which supplies loans to pensioners

The Examination Section grants the right to receive pensions, studies the improvement of the pension system, decides on appeals from individuals concerning pensions, and handles matters concerning disbursement of pensions

The Investigation Section was established in December 1945 in order to investigate the cases of individuals whose pensions were stopped by the SCAP directive prohibiting the payment of pensions to military personnel and to civilians who had actively worked with the military

There are also three physicians attached to the Pension Bureau, one as a permanent staff member, to give advice on medical matters

The Pension Investigation Committee is under the direct supervision of the Prime Minister Its main function is to act as an advisory agency to the Prime Minister on matters concerning pensions It advises the Prime Minister on the revision and abolition of pension laws It also acts as a consultative organ for the Bureau of Pensions which presents questions concerning pensions to the Committee

The Committee can have no more than seventeen permanent members who are appointed by the Cabinet upon the recommendation of the Prime Minister from among First and Second Class officials and experts outside the government Temporary members may be appointed whenever required

Other functions of the Committee include investigation of pension qualifications of officials when disagreement arises between them and the Bureau regarding payments, and decision as to whether or not hospitalized officials are still eligible for pensions after the expiration of the legal period of 5 years

5 Reconstruction Board

The Reconstruction Board was set up as a Cabinet agency in 1945 after the termination of the war in order to cope with the great problem of handling the immense task of rebuilding war-devastated cities Due to the magnitude and difficulty of the task, it is impossible to predict how long this Board will continue to function

The Board is under the direct supervision of the Prime *Minister, not of the Cabinet Council* The functions are as follows (1) city planning and its execution in war-devastated areas, (2) construction and supply of houses in war-devastated areas and housing problems in other areas as well, (3) construction and repair of state-owned buildings, except for certain cases agreed upon by the Prime Minister and the Minister primarily interested, (4) disposition of land in war-devastated areas, and (5) the stabilization of the living conditions of war victims

Planning, policy-making, and supervision of operations for war-devastated areas are all handled by the Board whereas similar work for undamaged cities has remained under the supervision of the Ministry of Home Affairs The government provides financial assistance in the work of reconstruction, and in addition funds are raised locally

Officials connected with the Board are as follows one president, of the Shinnin Class, one vice-President, a First Class official, a confidential secretary to the President (Second Class), four full-time First Class officials, 166 full-time Second Class officials, and 414 full-time Third Class officials

To aid in the work of the Board, Councillors (*Sanyo*) are appointed by the Cabinet from among First Class officials of government agencies concerned with problems of reconstruction and outside experts upon the recommendation of the Prime Minister.

Experts (Semmon-in) are also appointed by the Cabinet from those with the necessary knowledge and experience These men are also appointed on the recommendation of the Prime Minister. Their term of service is two years, but they are subject to dismissal before the end of that period for special cause

The President's Secretariat is composed of the General Affairs Section, the Examination Committee on Laws and Ordinances and the Technical Research Institute. As is the case with the Ministries and other government agencies, the Secretariat is thus not a separate administrative entity, but merely a collective name for a group of sections. Each Section Chief of the Secretariat is directly responsible to the vice-President.

The General Affairs Section is responsible for personnel affairs and the handling of documents and accounts.

The Examination Committee on Laws and Ordinances (*Horei Shinsa Iin*) is in charge of deliberations on laws and ordinances of the Board. It is not an active and independent section, but rather a temporary organization which meets only when there is business to be considered. All committee members are selected from among the personnel of the various Divisions of the Board and a chairman is appointed each time the Committee meets.

The Technical Research Institute has been established to carry out the following functions: (1) investigation and research work in connection with city-planning, public works, and construction; and (2) the training of technicians.

The actual work of the Board of Reconstruction is carried out by the Bureaus and Sections listed below:

a. *The City-Planning Bureau* is divided into the following Sections: City Planning, Public Works, and Parks and Reservations.

The City-Planning Section is the over-all planning and execution section of the City-Planning Bureau. It handles the planning of residential districts; planning for reconstruction problems in regard to materials, funds and labor; superintendence and guidance of public-works and building contractors; stabilization of living conditions of war victims through the furnishing of clothing, medical treatment, education of orphans; liaison work with Ministries on problems of relief; and matters not included in the responsibilities of other sections of the Bureau.

The Public Works Section is in charge of the laying out of streets and general supervision of such work; matters pertaining to railways and streetcar lines when rails must be shifted to new locations; elimination and establishment of waterways as required by new city plans; planning and repair of water works and drainage projects; plans for laying out gas lines, telephone lines, underground lines and other public works in urban areas; and matters concerning machines and tools for public works, such as buying up and loaning out to various cities tractors and bull-dozers.

The Parks and Reservations Section plans and supervises work in the following fields: park and playground areas; forestry strips; tree-lined streets; temporary use of burnt-out areas for vegetable gardens; graveyards and crematories; the utilization of areas made into fire-breaks during the war; and public squares.

b. *The Building Bureau* is divided into the following sections: Planning, Superintendence, Housing and State-owned Public Buildings.

The Planning Section is charged with planning in connection with building and housing problems. Problems considered include: limitation on the number of houses to be built in specific areas; repair of houses and concrete structures; the allocation of rooms in mansions to families whose homes were burned, evacuees, repatriated civilians and servicemen from abroad.

The Superintendence Section is in charge of the guidance and supervision of construction. It issues regulations concerning restrictions on the location and types of buildings to be constructed in certain areas (e.g., the prohibition of wooden structures); building regulations concerning such things as emergency exits in theatres and hotels; removal of debris; and investigation of the number of barracks being constructed for civilian use.

The Housing Section supervises the work of constructing private dwellings. One of the principal problems is to obtain the necessary materials from other Ministries.

The functions of the State-owned Public Buildings Section were formerly carried out by the Finance Ministry. The eventual reconstruction of government-built structures in war-devastated areas is to be handled by this Section, but at present only repair work is being done. Included in this category of buildings are Government office buildings, prefectural buildings, and other types of government-owned buildings.

c. *The Land Bureau* is composed of the Land Administration, Land Adjustment, and Technical Sections.

The Land Administration Section has jurisdiction over the following problems: utilization and expropriation of land and the price of land. It also makes decisions concerning disputes over ownership of land and other rights regarding land, buildings and materials in burned-out areas.

The Land Adjustment Section handles affairs involved in land adjustment: compensation for loss incurred by moving out as a result of land readjustment; and the settlements made necessary as a result of land readjustment.

The Technical Section is principally concerned with planning involved in land readjustment; with supervising construction work involved in land readjustment; and the clearing away of debris in devastated areas.

d. *The Special Construction Division* is composed of the following sections: General Affairs, Construction, Supply, and Equipment.

This Division was established within the Reconstruction Board in order to meet requests from SCAP for the construction and maintenance of buildings, institutions, and other facilities to be used by the Occupation Forces. Since this does not deal with governmental

matters of direct concern to the Japanese people its functions will not be described in detail

The above completes the discussion of the major Bureaus and Boards directly responsible to the Prime Minister The remaining minor groups are discussed at the end of this report

6 Cabinet Bureaus Responsible to the Cabinet Council

Two Cabinet Bureaus are directly responsible not to the Prime Minister, but to the Cabinet Council These are the Bureau of Decorations and the Bureau of Legislation The former is of minor importance in the Cabinet, but the latter is of major importance

The importance of the *Bureau of Legislation* is shown by the fact that all drafts of laws and orders issued on a national level must go through it for approval before they can be promulgated In addition, the Bureau of Legislation is authorized to initiate the reorganization of Government ministries

The Bureau has the following responsibilities investigation, deliberation, and planning in regard to the civil service system, the administrative system and other matters concerning governmental organizations, the drafting of laws and ordinances on order of the Prime Minister, stating of opinions on the enactment, abolition or amendment of laws and ordinances, deliberation on drafts of laws and ordinances submitted by Ministers to the Cabinet Council, and examination of the conditions of the enforcement of laws and ordinances

The above summary of the powers of the Bureau will indicate its great importance in relation to both executive and legislative powers of government It was stated by members of the Bureau that it has alternated between periods of power and relative impotence During the first two decades of this century it was very strong, during the war it was little more than a rubber-stamp Nevertheless, the Bureau officials seem to have a solid awareness of their own importance, indispensability, and the antagonism felt toward them by the Ministries

The Bureau is small, considering the importance of the work The personnel is as follows one President, one vice-President, 17 Second Class Secretaries, and 12 Third Class Secretaries In addition, there are two temporarily-appointed Second Class Secretaries and three temporarily-appointed Third Class Secretaries

However, the importance of the work is reflected in the care with which men are selected to serve with the Bureau Because the Bureau spends much time on the examination of laws and ordinances prepared in the Ministries, almost all the men are selected from the Ministries When a vacancy occurs or a replacement is needed, the Bureau requests the appropriate Ministry to nominate a man It is usually regarded as an honor to be appointed to the Bureau The Bureau refuses to accept a candidate unless his Ministry considers the nomination a promotion Men are not necessarily given an advance in rank when transferred to the Bureau from a Ministry It was stated that great stress was placed on the quality of the personnel because Bureau officials had to have the respect of the Ministries, otherwise Bureau opinions would not be acceptable

New members are given no special training in the Bureau They are simply set to work reading documents and are given guidance by the older members They are also permitted to attend conferences They are given simple problems to work on and are gradually advanced to more and more difficult assignments It was stated that it usually takes about six months before a man is considered to be a fully trained member of the Bureau About half the staff is permanent, that is, continues to work with the Bureau while the other half returns to Ministerial work on regular rotation

The basic power of the Bureau is simply to pass on the legality of proposed legislation or orders, submitted by the Ministries Naturally, cooperation with the Ministries must be close The substance of a proposed law or ordinance is definitely the responsibility of the Ministry concerned A general draft is submitted by the Ministry and on the basis of this draft the Bureau of Legislation prepares the formal draft Frequently, the Ministry requests an informal opinion from the Bureau while the Ministerial draft is still in preparation Advice rendered at this time by the Bureau is regarded as completely informal, however it is more often than not heeded by the Ministries Even while the Bureau is preparing the final draft, close liaison is maintained with the Ministry concerned

Close cooperation between the Ministries and the Bureaus is possible because of a mutual recognition of the fact that the substance of the law is the responsibility of the Ministry and the legal aspects are the responsibility of the Bureau

The Bureau seems to be of the opinion that most complaints concerning its activities made by the Ministries are due to the general ignorance of the nature of laws and ordinances on the part of officials outside the Bureau itself It was stated that the Bureau is the only governmental agency which has an overall view of the laws and ordinances issued by the Government Consequently, [illegible] knowledge which might be denied to each of the other Ministries Nevertheless, at times the Bureau has had the power (more through circumstance than through legal right) to bring about changes in the substance of proposed laws and ordinances

Ministries submit their finished preliminary drafts of

laws or ordinances through regular channels, that is, through the General Affairs Section of the Cabinet Secretariat. The General Affairs Section makes the proper routing and the appropriate Division chief within the Bureau of Legislation makes the assignment to the appropriate individual on the staff. Usually there are no general Bureau or Section conferences on the documents submitted, the matter being handled entirely between the man responsible for the job and his chief.

Conferences with representatives of the Ministries involved are usually held. Since it is almost impossible to write a law which will involve the operations of only one Ministry, it is necessary to have the opinions, if not actual concurrences, of all Ministries whose interests might be involved. It is usually regarded as useless to attempt to hold conferences within the Section or Bureau because the answers to most questions can be supplied only by the drafting Ministry. It is also generally recognized that the man in charge of a specific problem is as well qualified as anyone else in the Bureau of Legislation to express the Bureau's point of view.

Conferences with interested Ministries decide on corrections of the draft if responsible officials of the Ministries are present; if not, the draft is sent back to the Ministry for concurrence. It is not necessary to distribute copies for discussion at these conferences because by and large inter-Ministerial agreement on the general substance of a draft law or ordinance will already have been reached and so the interested officials already have a general knowledge of the draft.

Following general approval of the draft in conference, the document must be initialled by the following: the responsible official in the Bureau Division in charge of the draft; the Chief of the General Affairs Chamber of the Bureau (who is responsible for seeing that the document is in the standard form); the General Affairs Section of the Cabinet Secretariat for forwarding to the Cabinet Council.

The man in the Division responsible for the drafting of the law must compile a reference list of all laws and regulations which relate in any way to the proposed draft. This is considered the responsibility of the Bureau, rather than that of the drafting Ministry, because the Bureau is the Government agency most familiar with all government laws, ordinances, and regulations. This particular aspect of his work is the most time-consuming for the drafter. The list remains attached to the draft until the final step of the process of approval when the imperial seal is affixed to the approved draft. The Bureau must also decide in what category of law the proposed legislation should be fitted.

When the interpretation of a law, ordinance or regulation is needed, the Ministry concerned requests it, but no opinions are given on the Bureau's own initiative. Such opinions are usually given unofficially, that is, orally, and most of them involve the question of the applicability of a law in a particular instance. The interested Ministry usually transmits such opinions to its own officials as its own opinion, not as that of the Bureau.

The Bureau will answer written questions from the public regarding the interpretation of laws, but cases of this kind are very rare.

Representatives of Ministries frequently come to the Bureau to ascertain its opinion concerning the enactment, abolition and amendment of laws. Such questions are usually handled by informal conferences between the Ministry and the Bureau official specializing in the work of that Ministry.

However, important problems may be made the subject of conferences of Section chiefs. Usually such problems are taken up at the regular Friday meeting of the Bureau. This meeting keeps the Bureau informed of the general activity of the Ministries.

The Ministries usually respect the opinions of the Bureau of Legislation, it was stated, because of the general esteem in which the Bureau personnel is held. It is expected that when the opinion of the Bureau is requested, the resources of the Ministry have been exhausted without reaching a satisfactory answer. Generally speaking, the Bureau of Legislation bases its opinions only on the legal aspects of the problem involved; however, it was stated that when the Bureau is in a position of power it can also express opinions regarding the possible public attitudes toward the proposed measures.

It is clear from the above that most of the business of the Bureau of Legislation is transacted with the Ministries. However, it also has important contacts with the Cabinet Council, the Privy Council, and the Diet.

Because the Cabinet Council must review all important proposed legislation, the Bureau naturally has much business with it. However, the relation is technical and mechanical, that is, the Bureau provides necessary legal advice (after, of course, the draft has been approved within the Bureau and submitted), but in a purely mechanical manner. The President of the Bureau is authorized to attend all Cabinet meetings, but he does not have the right to cast a vote when the Cabinet is arriving at a decision on any matter. He is responsible for answering any legal questions arising at Council meetings on proposed legislation. It is of interest to note that his inferior position within the Council is underlined by the fact that although he is authorized to attend meetings, he must sit at a separate table in the conference room.

In regard to the Privy Council, which must advise the Emperor on important drafts, the Chief of the Bureau Division concerned and members of his staff appear before the Secretary-General of the Privy Council for the preliminary hearing on the draft. However, at the later and more important committee meetings only First Class Officials of the Bureau may appear to answer ques-

tions Again the work on the Bureau involves only technical legal questions

Because much of their work deals with legislation, the Bureau has a great deal of business with the Diet The President, vice-President, the three Division Directors and the Chamber Director may represent the Cabinet on the legal aspects of legislative problems before the Diet The President appears at plenary sessions to represent the Bureau, the others appear at committee meetings when required The Bureau representatives appear before the Diet or Diet Committee meetings only for purposes of explanation The answers or information to be provided the Diet are worked out at conferences in the Bureau of Legislation between the Bureau representatives and Directors of Ministerial Bureaus concerned who also represent the Government in Diet hearings The Bureau of Legislation and Ministerial Bureau Directors appear as a team before the Diet or Diet committees This is a further demonstration of the division of responsibility between the Ministries (content) and the Bureau (technical legal matters)

Formally the Bureau of Legislation has no concern with bills submitted by members of the Diet, but actually it plays a rather important role When a member of the Diet presents his bill as a motion to the plenary session it is then referred to committee and then to sub-committee At this stage the Ministry whose responsibility the proposed bill would become is consulted by the Diet and is given the draft for study The draft bill is then referred to the Cabinet Council which requests opinions from other interested Ministries and from the Bureau of Legislation The opinion of the Bureau is both asked and given unofficially The impression was given that this phase of the operation was regarded as being at least semi-secret After the passage of the bill but before its promulgation the Cabinet presents the bill for Imperial approval The draft is accompanied with the Cabinet Opinion, including a Bureau of Legislation comment on the legality of the measure, if such comment is considered necessary It was stated that Diet members never consult the Bureau before drafting bills

What effect the adoption of the new Constitution with its emphasis on the legislative arm of the government will have on the future function and authority of the Bureau is difficult to determine It is probable that as in the past a great deal will depend on the ability and the personality of the President He could make it into an organization which is even more important, one which would be continuously at loggerheads with the Diet, or one which would be completely dominated by the legislative arm

The opinions of one influential member of the Bureau of Legislation regarding the Diet are of interest He declared that Diet members were never truly interested in the content of the legislation that they sponsored, but desired only to get their names associated with legislation which would be popular with the voters He was contemptuous of what he termed their lack of knowledge of legal affairs When queried as to the possible future of the Bureau under the new Constitution he asserted that it would continue to enjoy an important role because it was 'indispensable ' He asserted that the Bureau had been and is unpopular, but it continues to operate because of importance in the scheme of government The reason for its unpopularity, he said, was that ' outsiders generally were interested only in getting laws or orders approved and did not understand the legal difficulties involved in the drafting

The powers of the Bureau of Legislation concerning the alteration of the organization of governmental Ministries and agencies and the examination of the functions of government are potential rather than actual Some of the powers have been delegated to the Bureau for many years, but have been largely unexercised in late years, while others have been only recently given

The Bureau has the authority to draft changes in the regulations governing the organization and function of the Ministries, and thus to curtail or expand their powers A strong Bureau under a forceful President could do much to influence decisions concerning orders from the Cabinet or Prime Minister to perform this type of work

Regulations concerning the organization and function of new Ministries or Boards are drafted by the Bureau This work, as the above, is purely technical in nature The Bureau has no power to initiate the organization of such new agencies The decisions must always be reached in the Cabinet Council

The functions concerning governmental functions and organization also include such problems as the reform of the Civil Service and the Constitutional reform of government organs In recent years there has been comparatively little work done by the Bureau in the field of administrative reform, but it is believed that there may be much such work after the new Constitution is adopted

The examination of the conditions of the enforcement of laws and ordinances is a new function, having been given the Bureau only in 1945 after the end of the war This responsibility has been given to the General Affairs Chamber of the Bureau, but no work has yet been done

It is planned to set up a committee of civilians, government officials, lawyers, and businessmen in order to get opinions concerning laws and ordinances Particular emphasis will be placed on such subjects as the people's understanding of laws, inconvenience caused the public by laws and ordinances, red-tape and the elimination of out-moded laws

The work of the Bureau is divided among a General Affairs Chamber and three Divisions The General Affairs Chamber is roughly similar to the Minister's Secretariats However, it does not handle such routine administrative matters as personnel and accounting The

and the Home Minister for road administration. The two vice-Chairmen consult with the committee for information and advice concerning the improvement of land transportation. The Committee states opinions concerning problems of land transportation as covered by the Land Transportation Coordination Law. Orders are issued by the Ministers concerned on the basis of opinions of the Committee. The Committee is also authorized to express its opinions on coordination of important land transportation media even without a request from the Ministers.

The *Temporary Fund Investigation Committee* was established during the war and at the time was designed to provide for the proper allocation of funds for war production. It was interested in such problems as factory-building, morale-boosting, air-raid shelter construction. At present the Committee is dealing with civilian problems such as housing projects, supply of clothing and improvement of living conditions.

The committee approves the requests of Ministers for funds to carry out proposed enterprises. Funds are supplied by the Finance Ministry, of course. The Committee is not to exceed six permanent members from the Bank of Japan and government agencies, but in addition there may be appointed temporary members from Government agencies and outside experts.

The *Temporary Fund Coordination Committee* is responsible for setting up priorities for the allocation of funds. It is chaired by the Prime Minister and the two vice-Chairmen are the Ministers of Finance and of Commerce and Industry. It has forty members including First and Second Class officials from all government agencies, representatives from both Houses of the Diet and outside experts. Temporary members may be appointed as needed.

The *Food Investigation Committee* has the Prime Minister as Chairman and the Ministry of Agriculture and Forestry as vice-Chairman. The Committee consists of not more than thirty governmental and outside experts. They investigate and recommend executive and legislative actions concerning food problems whenever directed to do so by the Prime Minister.

Upon requests of the Prime Minister, sub-committees of specialized experts may be appointed for studying special technical problems. The Committee not only acts in a consultative capacity to the Prime Minister, but may also voice its own opinion and on its own initiative gives advice to Ministers.

(S) John M. Maki,
(T) John M. Maki,
Governmental Powers Branch.

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

AG 601 (22 Oct 45)GS 22 October 1945
SCAPIN 179

Memorandum for Imperial Japanese Government
Through Central Liaison Office, Tokyo
Subject Proceedings of the Diet

1 In order that the Supreme Commander may be informed of the activities of the Diet, it is desired that the Japanese Government establish a procedure by which this headquarters will be furnished with copies, in English, of proposed laws and reports on the progress of proposed legislation from the time the bills come before the Bureau of Legislation throughout the entire legislative process until enacted into law

2 It is desired that the proposed procedure be submitted to this headquarters for consideration not later than 10 days after receipt of this Memorandum

FOR THE SUPREME COMMANDER

(S) H W Allen,
(T) H W ALLEN,
Colonel, A G D ,
Asst Adjutant General

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

Government Section

22 November 1945.

Subject: Greater East Asia Ministry.

1. For your information there follows notes on a conference held on 14 November, at 1015 hours, between Mr. Tajiri, ex vice minister, Greater East Asia Ministry, (presently employed by Foreign Ministry) and Major Rowell, Government Section.

2. In response to inquiries made, the following information was given by Mr. Tajiri.

a. *Organization of Greater East Asia Ministry.* On 1 November 1942 the Greater East Asia Ministry was created by Cabinet Resolution following the dissolution of the Overseas Ministry by similar action. At that time areas of control were assigned as follows:

(1) To Greater East Asia Ministry:
- (a) Kwantung Area.
- (b) Manchukuo.
- (c) North China.
- (d) Mandated Islands (Carolinas, Marianas, Marshalls, etc.).
- (e) Burma.
- (f) French Indo-China.
- (g) Thailand.
- (h) Philippines.

In actual fact the army retained substantial control of most areas assigned to the Greater East Asia Ministry particularly Manchukuo, Burma, and Philippines. In these areas Ambassadors were appointed through Greater East Asia Ministry but were normally the senior army officer in the area appointed at the insistence of the War Ministry.

(2) To Home Ministry:
- (a) Korea.
- (b) Formosa.
- (c) Karafuto.

Each area was under jurisdiction of a Governor General who reported to Home Ministry.

(3) War Ministry:
- (a) Malaya.
- (b) Netherlands East Indies.

(4) Theoretically, the Ambassador to the area within Greater East Asia Ministry jurisdiction was to report on all matters directly to the Greater East Asia Ministry with the exceptions of:
- (a) signing treaties and
- (b) matters of protocol which were reported to the Foreign Affairs Ministry. Treaties were negotiated under supervision of Greater East Asia Ministry but signed through Foreign Affairs Ministry.

b. *Personnel.* Approximately 800 persons were employed in the Tokyo office of the Greater East Asia Ministry. The Greater East Asia Ministry was dissolved by Cabinet Resolution on 26 August 1945. Thereupon the employees of the Trade Bureau were transferred to the Commerce and Trade Ministry and all others were transferred to the Foreign Affairs Ministry. The Minister, Vice-Minister and the Directors of three of the Bureaus resigned, but the Vice-Minister subsequently accepted employment in the Foreign Affairs Ministry. All personnel on foreign duty are still in area where assigned so far as is known. (Note: Censorship intercepts indicate communications are attempted between field and home offices.)

c. *Records.* All bureaus (except the Trade Bureau) were housed in the Greater East Asia Building which was burned as a result of a bombing raid on 25 May 1945. This fire destroyed all records of the Southern Areas Bureau on the fifth floor, all records of the Manchukuo Affairs Bureau on the second floor and over half the records of the General Affairs Bureau and the China Affairs Bureau on the third and fourth floors. All records of the Trade Bureau were housed in the Tokyo Club which was completely burned. All records of importance which were not burned during the air raids were intentionally burned upon the termination of the war. Any records unburned are now

in the possession of the *Foreign Affairs Ministry but Mr Tajiri asserts that none of these are of any* importance.

d. ***Functions*** During 1945 the prime function of Greater East Asia Ministry was the protection of the persons and properties of Japanese nationals in the areas concerned

Appendix D: 4

28 February 1947.

To: General Headquarters of the Supreme Commander for the Allied Powers.
From: Central Liaison Office, Tokyo.
Subject: Reorganization and Increase in Strength of Japanese Police Force.

C.L.O. No. 1277 (PHW)

1. Herewith is submitted for your approval a plan for reorganization of the Japanese Police system, as a temporary measure; which was adopted at the Cabinet Meeting on 27 February 1947.

2. As this proposed measure is intended to be introduced in the present session of the Diet, which is expected to be closed within a short period because of the impending general election, it is requested that the General Headquarters, Supreme Commander for the Allied Powers, be good enough to give an early consideration in this matter.

FOR THE PRESIDENT:

K. ASAKAI,
Director of General Affairs,
Central Liaison Office.

Enclosure: A plan as indicated in par. 1. above.

Principles for the Reorganization and Increase in the Strength of the Japanese Police Force and Temporary Measures Thereof

1 The Japanese Government believes that the most important point in the reorganization of police system is its democratization and by so doing strengthening its efficiency That is to say that the tendency of excessive centralization of the police system be corrected and it be decentralized as far as possible and those functions which should not come under the police force be transferred to other suitable agencies, and fundamental police methods be strengthened with the modernization of its institutions and techniques, and police officials' standards be raised

2 The Japanese Government, based on the above principle, in July 1946, made public a Tentative Plan for the Reformation of Police System," and at the end of the same year obtained a report on the subject from the "Police System Investigation Committee," and is in possession of tangible plan for that purpose

The Japanese police authorities, as far as the police administration is concerned, have been making every effort for the raising of the material standards and efficiency of the police by adopting these plans as a reference and by bringing into effect such organization that could be made without altering any fundamental or basic laws

3 As to the measure for the decentralization of the police, the Japanese Government has a plan that police administration be entrusted, in principle, to the local public bodies and at the same time a national police force be established for the purpose of executing and taking charge of matters that may concern the national interest or on a national scale, and of maintaining contact with and regulation of the police activities of the local public bodies, thus enabling, by mutual co-operation of both national and local police authorities, to promote efficiency, preserve the peace, law and order, protect life and property

National police shall have a strength of 30,000 uniformed police officials under a central headquarters There shall be established eight regional headquarters at the important localities throughout the country The chief shall be appointed or removed from his office under a strict procedure in order to establish and maintain the impartiality of the police administration by separating and making it independent from the interest of political influence

4 Functions of police are primarily a stabilizing force for the promotion of law and order and enforcement of the laws

Accordingly, in the reorganization of the police force, there is much reason to believe that the hasty reorganization of the fundamental system may not only bring about confusion and inefficiency of administration, but also will affect the functioning of other administrative agencies, creating public unrest and confusion in law and order, through the nation

5 With the enforcement from May 3rd of the New Constitution, there will occur drastic changes in the local administrative system and accordingly much authority of the Central Government will be transferred to local government The Japanese Government as well as the whole nation desires that the transition period, be carried out peacefully with tranquility and stability Until the foundation of the local administrative bodies is established and their employees acquire experience in the technique of local administration and fulfill their responsibility, and have passed through the most critical period, it is required that the most stabilized condition of the nation should prevail

6 The police force is the only stabilizing influence available to the Japanese Government for the enforcement of law and order, therefore the control of the police force should remain as at present

There is no doubt that the presence of the occupation forces is contributing to the preservation of stability, but the Japanese Government realizes that it is the duty and responsibility of the Japanese Government to supervise the enforcement of the national and local laws of Japan, except in extreme emergency

7 Realizing the importance of its responsibility, the Japanese Government requests the approval to carry into effect the following measures

(1) Strengthen the culture and education of police officials and acquire the democratic police technique and raise the standards and efficiency

(2) Remove from the present police system unrelated functions of government and transfer same to the appropriate local self-governing body as soon as possible

(3) Devote entirely for the preservation of peace and order, protection of life and property and prevention and detection of crime, in accordance with the prescription of law

(4) Clarify the procedure and authority of investigation crimes by police officials

(5) Separate the Fire Organs from the present police system at the earliest possible occasion

(6) Retain the regional unit of local police administration in present prefectural region, and for the time being, the administration of such local police shall be placed under the charge of the elected governor Authority for the supervision and control of the prefectural police department, and its executive staff appointments and removals shall be retained by the Home Ministry as heretofore

(7) Retain the administration, organization and expenses of the Tokyo M P B as its present existence

(8) The expenses shall be defrayed jointly by the

national and prefectural governments as heretofore.

(9) When local government officials have demonstrated proficiency in self-government, reorganize the police forces, in cities with populations capable of supporting them, into police departments controlled and operated by the local self-governing bodies.

(10) Commence the establishment of the national police force immediately in order to be prepared for the national needs when complete decentralization of the present system occurs.

8. In order to preserve the aforementioned law and order, maintain the national authority, protect national and local interests, the Japanese Government further request that the over-all police strength be increased to 125,000 total.

9. It is respectfully requested that the above plan be approved.

CABINET ORDER NO 15

Art 1. A person who held a position of chief of a Chonaikai, Burakukai, or Federation thereof during the period from or prior to September 1, 1945, till September 1, 1946 consecutively shall not be installed to any office which administers those functions formerly performed by chief of a Chonaikai, Burakukai or Federation thereof concerning a district which has been under his supervision for 4 years beginning from May 1, 1947

A person who was an assistant personnel (except those engaged mainly in menial work) of the said Chonaikai, Burakukai or Federation thereof, during the period from or prior to September 1, 1945, till September 1, 1946, consecutively shall not be installed to any office which takes charge of those functions formerly performed by him in a district in which he has managed his business, for 4 years beginning from May 1, 1947

A person mentioned in the preceding two paragraphs who is engaged in the said public offices at present shall quit his position forthwith

Art 2 A property which is owned in the name of Chonaikai, Burakukai or Federation thereof at the date of the enforcement of this Cabinet Order shall be disposed forthwith according to the majority decision of the members But a property the disposition of which is regulated by a special clause of a rule or contract shall be dealt with in accordance with it

A property which will be left undisposed over two months as from the date of the enforcement of the present Cabinet Order shall be attributed at the date of expiration to the Municipality, Ward, Town or Village under which jurisdiction the said Chonaikai, Burakukai or Federation thereof has hitherto been

In the case prescribed above, the said Municipality, Ward, Town or Village may, it is necessary to do so, make due compensation or the like consideration to a member of Chonaikai, Burakukai or Federation thereof, or a person who has contributed said property or has other special relation to it

Art 3 An official of the Government or any other public administrative agency shall not issue instruction regarding execution of administrative duties to any chief of Chonaikai, Burakukai or Federation thereof and Tonarigumi, or any similar organization including but not limited to Jichikai, Seikatsukyodokumiai, for the purpose of utilizing them

An official who has violated the provision prescribed in the preceding paragraph shall be dismissed from service

Art 4 A person who was a chief of Chonaikai, Burakukai or Federation thereof and Tonarigumi who was in said office during the period from or prior to September 1, 1945, till September 1, 1946, consecutively, shall not issue any instruction to the constituting members of the neighborhood association or inhabitants of any district which were formerly under his supervision unless such instructions are incidental to the duties and responsibilities of position in a public service for which he has been screened by Cabinet Ordinance No 1, 1947, and to which he has been duly appointed or elected

No person shall be obligated to comply with any instruction whatsoever issued by or under the authority of chief of a Chonaikai, Burakukai or Federation thereof and Tonarigumi, or any assistant of the foregoing in contravention of the preceding paragraph

Art 5 A certification, necessary for ration, financial transaction and other need according to regulations or customs, which has hitherto been given by a chief of Chonaikai, Burakukai or Federation thereof, and Tonarigumi, shall not be valid hereafter if it is given by a person who is not an official of Government, Municipality, Ward, Town or Village

Art 6 All organizations similar to the former Chonaikai, Burakukai or Federation thereof, and Tonarigumi which have been formed in succession to the dissolution of the former Chonaikai, Burakukai or Federation thereof and Tonarigumi shall be dissolved not later than May 31, 1947

In case any organization as prescribed in the preceding Articles does not dissolve until the date prescribed in the same Article, the governor of each prefecture concerned shall order to dissolve it

The provision in Art 2 shall be applied to the disposition of property held by the dissolved organization which has been dissolved by pursuant to the two preceding paragraphs

In this case, at the date of the enforcement of this ordinance" in paragraph 1 of said Article shall read at the date of the dissolution" and from the date of the present Cabinet Order" in paragraph 2 of said Article shall read from the date of the dissolution '

Art 7 A person who is in executive service of public office regarding ration toward general consumer shall not refuse to deliver ration material to the consumer on the ground he is not joining a certain organization

Art 8 A person who has violated the provisions prescribed in the Art 4, paragraph 1 or the preceding Article shall be punished with penal servitude or imprisonment not exceeding one year or a fine of 15,000 yen

A person punished by the preceding paragraph shall be removed from any public office he may hold and shall be excluded from all government service for ten years

Art 9 All functions, duties or actions formerly per- [illegible]

office or any other which is not a section of said offices and performs above mentioned functions shall be dis-

solved not later than May 31, 1947, and no successive office or organization thereto shall be established unless authorized especially by the National Diet.

Supplementary Provision

The present Cabinet Order shall come into force as from the day of its promulgation.

UEHARA ETSUJIRO,
Minister for Home Affairs.
YOSHIDA SHIGERU,
Prime Minister.

Tokyo, September 3, 1947

Dear General of the Army.

In accordance with your suggestion made during our conversation on 26 August 1947, I have the honor to submit in writing the basic reform plan of the Japanese Government on the police system as herein enclosed

I should be very grateful if you would be kind enough to give your consideration to the plan and advise me of your comments and instructions thereon I shall be ready to come to receive your instructions any time at your convenience

Very sincerely yours,

(Sgd) TETSU KATAYMA

1 Ever since the formation of the present Cabinet, the Government has been giving a careful study to the police system in order to reform it in consonance with the new situation created by the enforcement of the new constitution, and, as a result of such study, it has recently arrived at a tentative conclusion on the basic principles which will govern the reform In view of its political significance and bearings on the public peace or military implications, the Prime Minister of Japan wishes to hereby submit the Government reform plan informally and directly to the Supreme Commander for the Allied Powers, with a view to seeking first of all his high opinions on the matter so that the Government may materialize its study in accordance with his directions and recommendations

2 In the course of its study on the problem in question, the Government has given a thought to the memorandum of the Japanese Government dated 28 February 1947, and the informal suggestions advanced by the sections concerned of the General Headquarters The Government, however, has strived for the formulation of a reform plan of its own from an independent standpoint, without any of the above restrictions and based on the needs of true democratization of Japan and the necessity to ensure the domestic public peace

3 Prior to arriving at the present plan, the Government established a special committee within the Cabinet to study the problem, in which two fundamentally conflicting proposals were brought forth

One of the two aims primarily at the perfection of local self-government and the fundamental remedy of the misuse of the police by the state power as in the past It is a progressive plan whereby all the uniformed police will be transferred to the six large municipalities and prefectures, leaving to the central government only certain synthetic and technical functions (police schools, finger-prints bureau, scientific criminal investigations, police-radio communications, special detective corps, etc) and, only in case of emergency, may the Prime Minister exercise control over the local police within the limitations of law

The other purports to conserve the national police to a large extent and to place the metropolitan police under the national police, while establishing the police of a local public entity only in cities of over 200,000 population According to this plan, the national police is not only by far the larger in number but also may direct city police in case of guard and protection of the objects of national importance and certain national offenses This may be called a conservative plan

4 Considering that perfection of local self-government is a prerequisite for the democratization of Japan, it is clear that from the political standpoint the decentralization of power is also desirable in the field of the police Accordingly, the police power should be in principle entrusted with a local public entity by rectifying the present system whereby the central government has jurisdiction over personnel as well as organization and operation of the police, while an elected governor is made responsible, within a very limited scope, only to the police administration in the area of his jurisdiction

On the other hand, however, in view of the fact that the maintenance of the public order in Japan without armed forces is solely dependent on the police force, and that we cannot expect and depend upon the situation of complete occupation by the Allied Forces, especially when we think of a long future, it is deemed too hazardous for the central government to deprive itself of all its own resources to maintain the public safety

5 After a careful study, therefor, the Government proposes to take the middle course between the above two extreme plans and to pursue a policy allowing the co-existence of both the national and local public entity police Although delegation of the police power to the local public entities inevitably lacks completeness under this plan, it is our belief that we may improve and eliminate, even under the system of a national police, the situation in which the Japanese police in the past was used as an instrument of the suppression of human rights and the totalitarianism, by a vigorous enforcement of administrative supervision by the Diet, reform in the judicial administrative system, improvement of the police system, discipline and betterment of qualities of police personnel, and the like

6 There shall be established the national police with the maximum strength of 30,000 uniformed police There are two conceivable ways of disposition of the national police, one of which is to concentrate the national police in the metropolis or several localities, and the other is to distribute it throughout the rural districts outside the jurisdiction of the local (city) police as will be stated presently

On the other hand, there are two possible ways of establishing the local police It may be established either in each prefecture or in each municipality as a unit, and either one has its advantages and disadvantages

We should like to adopt here a scheme under which

the national police shall be distributed throughout the country and shall have jurisdiction over the rural districts, while the local police shall be established in municipalities.

7. In separating the national police and the local police, a good result cannot be expected by effecting the separation at once in view of the present financial status of local public entities, and, therefore, the transition from the present system to the organization under consideration should be gradually undertaken. We deem it proper to establish the city police in the first instance in large municipalities, say, several cities of over 200,000 population, which are ready financially and otherwise.

The national police shall gradually be decreased to the total of 30,000 as stated in the above while the local (city) police shall gradually be expanded to include cities of over 50,000 population.

8. The national police shall have the Public Safety Board as the central headquarters and shall be authorized to establish its local headquarters in approximately eight places throughout the country. The Public Safety Board may either be established within the Prime Minister's Office or be placed under the jurisdiction of the Justice Ministry. While there is an opinion which favors the former in order to keep the police free from abuses of extreme party politics and to forestall its emergence as an influential political force in the central government, others maintain that if the national police is to be established it is not appropriate to place the Public Safety Board vaguely under the Prime Minister's Office without making any Cabinet Minister responsible who is in turn responsible to the Diet, since it might result in the preservation of bureaucratic forces.

In the last analysis, it is deemed proper to place the national police under the jurisdiction of a responsible Cabinet Minister other than the Prime Minister.

9. As for the size and equipments of the police, it is our belief that in consideration of the future status of the occupation by the Allied Forces, the police force will have to be sufficient in size and adequate in capacity to maintain the domestic public order on its own resources.

For the immediate future, we hope that consideration be given to increase the total number of police to 125,000, including 30,000 to be retained as the national police as stated in the above.

10. The present plan is concerned with the general police. In addition to this, however, it is needless to say that there are to be economic inspectors, railway patrol guards, customs inspectors, and sea control (coast guard) agency as special police organizations under the direct jurisdiction of the central government. Especially on the last agency, it is our sincere hope that consideration be given so that it may be strengthened in near future to maintain appropriate number of vessels and personnel sufficient to cope with its task of maintaining, in complement with the police on land, the public safety on the sea around Japan which is without armed forces.

Tokyo, Japan,
September 16, 1947

Dear Mr Prime Minister

I have given careful consideration to your letter of September 3rd and to the plan for the reorganization of the police system submitted therewith I fully understand your difficulty in reaching an acceptable compromise between the two divergent schools of thought of which you speak—a compromise which will prove adequately effective to meet the requisites for the preservation of law and order within Japan, and yet at the same time not impinge upon the ideal of human liberty to which the people of Japan are now committed, nor upon that fundamental principle indispensable to a democratic society so aptly stated in the Preamble of the Constitution of Japan, ' Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people "

I am in full accord with the proposition that the realities of the situation require the maintenance of a national rural police unit to maintain law and order in the rural areas and available to the National Government to meet emergency conditions with which police forces available to the several local governments may be unable adequately to cope, and your suggested increase in the overall authorized police strength to 125,000 men, to provide for such a national rural police meets with my full approval I am not in accord, however, with the idea of, nor the necessity for, delaying the decentralization of the police power now existing, as I feel that the preservation of that power in its present centralized form is wholly incompatible with the spirit and intent of the new Constitution and inimical to democratic growth

It has been a dominant characteristic of modern totalitarian dictatorships, as it was in Japan's feudalistic past, to establish and maintain a strongly centralized police bureaucracy headed by a chief executive officer beyond the reach of popular control Indeed, the strongest weapon of the military clique in Japan in the decade prior to the war was the absolute authority exercised by the national government over the thought police and the Kempei Tai, extending down to prefectural levels of government Through these media, the military were [illegible] grade the dignity of the individual Japan was thus in the fullest sense a police state

It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a fundamental remedy of the misuse of the police by the state power as in the past In the achievement of this objective, the potentiality of a police state inherent in centralized control must scrupulously be avoided It should never again be possible for anti-democratic elements, either of the extreme right or the extreme left, to enmesh the freedom of the people in a web of police terrorism

This basic objective can best be accomplished by the thorough decentralization of the police system in accordance with the principle of local autonomy embodied in the Constitution Each city and town should be responsible for the preservation of law and order within [illegible] composed of three civilian members appointed by the mayor of the city or town with the consent of the local assembly and holding office for a fixed term of years At the prefectural level there should also be a corresponding commission similarly appointed which will exercise operational control over the national rural police operating within the boundaries of that prefecture, reserving to the national government administrative authority over such national rural police wherever stationed

Such a reformation of the Japanese police system would be in consonance with the general pattern of the reorganization of the Japanese governmental structure, integrating police officials and services as agencies of the people at the appropriate levels of government Action toward such end should proceed immediately upon enactment of the appropriate statute

The national government should allocate the necessary funds until such time as local financing is possible So long as it is necessary for the national government to make allocations of funds, the strength of the police in the various localities should remain fixed at the present number, but after provisions have been made for the localities to assume the financial burden, the responsibility for determining the necessary numbers within their respective borders should belong to the cities and towns, in accordance with local requirements

The necessary legislation should, of course, be enacted at the present session of the Diet If vigorously prosecuted, I believe that completion of the plan may be accomplished within a period of ninety days thereafter

As to an appropriate organization on the national level, I believe that there should be created directly under the authority of the Cabinet a Public Safety Commission composed of five members who have not been career officials, either in the police or the civil service. Such commission should be appointed by the Prime Minister, with the consent of the Diet, and should hold office for a fixed term of years

To prevent the resurgence in disguised form of a centrally controlled national police network no channel of command should exist between the national rural police unit and the local police forces, but technical channels of communication should, of course, be permitted in the

interest of overall efficiency and to facilitate a relationship of mutual assistance, liaison and coordination. The intervention by the national government into control over prefectural or local police affairs should temporarily be provided for, however, in the event of a national emergency when, upon the recommendation of the National Public Safety Commission, the Prime Minister might assume operational control over prefectural units of the national rural police force, subject to ratification by the Diet within twenty days. In this way the authority of the prefectural governor may be protected against arbitrary police interference by the national government, at the same time affording adequate safeguard for the national interest.

In the past, one of the ill-conceived aspects of the Japanese police system was the exercise by police officials of numerous administrative functions not related to the task of investigation and apprehension of criminals or the preservation of public order. All such functions should be exercised by non-police representatives of the particular ministry having responsibility for such matters, and wherever proper should be decentralized to local public entities in accordance with the provisions of the Constitution conferring upon such entities "the right to manage their property, affairs, and administration."

Closely related to the law enforcement process is, as you have specifically pointed out in your letter, the subject of reform in the judicial administrative system. Under the Constitution of Japan, the Supreme Court is now vested with the administration of judicial affairs and the rule-making power. With the establishment of an independent judiciary, the Ministry of Justice no longer is responsible for the determination of rules of procedure and of practice, the internal discipline of the courts, or other attributes of the judicial process. Moreover, with the diminution of the role of the procurators in the administration of justice and their subordination to the rule-making power of the Supreme Court, the basic attributes of the procuratorial system under the Ministry of Justice have been radically revised.

On the other hand, to the Cabinet, as the executive branch of the government, is expressly delegated the responsibility for executing the provisions of the Constitution and of the laws enacted by the National Diet, as well as for determining questions of amnesty, commutation of punishment, and restoration of rights. To reflect adequately this constitutional separation of powers, it would seem desirable that the Ministry of Justice, within which authority over adjudicative functions has been traditionally intermingled with executive power, be replaced by an Attorney General, sitting in the Cabinet as a Minister of State and serving as the chief legal adviser to the executive branch of the government.

To administer the laws effectively requires the closest coordination between police officials charged with the apprehension of offenders against the national laws, and public attorneys charged with the prosecution thereof. The establishment of an Attorney General's Office with the responsibility of conducting all litigation, criminal and civil, in which the government has a direct interest, and of furnishing all legal advice to the Prime Minister and other Ministers of State in the discharge of their duties, would I believe provide a mechanism for such close coordination, facilitate the faithful execution of the laws, and support the independence of the judiciary as the bulwark of the liberties of the people. Consistent with this concept of an Attorney General, the present Legislative Bureau of the Cabinet can be dispensed with in the interest of governmental efficiency and economy.

Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed upon the people from above, but rather does it find infinitely greater strength in the relationship of a servant of, and answerable directly to, the people. Thereby, and thereby alone, may it encourage respect for the people's laws through confidence and paternalistic pride in the police as the law enforcement agency of the people themselves.

I am hopeful that the legislation necessary to give effect to these programs in the reorganization of government can be completed in time for consideration at the current session of the National Diet. To such end do not hesitate to call upon this headquarters for any assistance which you believe would be helpful.

Sincerely yours,

DOUGLAS MACARTHUR.

The Prime Minister,
Tokyo, Japan.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS AND FAR EAST COMMAND

AG 091 1 (21 Jan 48) GS

APO 500,
23 January 1948

Staff Memorandum
No 3

(SCAP)

CENTRAL LIAISON OFFICE REORGANIZATION, JAPANESE GOVERNMENT

1 Effective 1 February 1948, the Central Liaison Office, Japanese Government, as it has existed under the Ministry of Foreign Affairs, will be abolished A number of sections, whose services are no longer required, will be completely eliminated, while others will be reactivated by the Japanese Government as shown in paragraph 2

2 Reactivated portions of the Central Liaison Office and the form of organization will be as follows

a Prime Minister's Office
  (1) Liaison and Coordination Office
    (a) General correspondence and contact matters not handled directly
    (b) Political and governmental matters not falling under the jurisdiction of any other government ministry or agency
    (c) General supervision over liaison between the Japanese Government and the Supreme Commander for the Allied Powers
    (d) War crimes matters and liaison with the International Military Tribunal for the Far East, International Prosecution Section, and Legal Section, Supreme Commander for the Allied Powers, concerning such matters
    (e) Administrative and operational control of local (field) liaison offices and staffs

b Cabinet
  (1) Reparations Commission All matters pertaining to reparations
  (2) Accommodation Office Supply materials and labor to occupation forces This is temporary as it is expected that the Special Procurement Board, organized for that purpose, will presently take over these duties

c Ministry of Foreign Affairs
  (1) Repatriation Division Repatriation matters
  (2) Records Unit Assemble and preserve significant records pertaining to the occupation

3 Channels of Communication a Communications from the Supreme Commander for the Allied Powers to the Japanese Government will conform to the following

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500

1 February 1948

AG 312 4 (   ) CPC/GP
SCAPIN
Memorandum for Japanese Government •
Subject
*   *   *   *   *   *   *

FOR THE SUPREME COMMANDER "

b Communications will be authenticated by the Adjutant General and dispatched to the Liaison and Coordination Office, Prime Minister's Office

BY COMMAND OF GENERAL MACARTHUR

PAUL J MUELLER,
Major General, General Staff Corps,
Chief of Staff

OFFICIAL
(S) R M Levy,
R M LEVY,
Colonel, AGD, Adjutant General

Appendix D: 9

30 April 1947.

Memorandum for: President of the Central Liaison Office.

Subject: Decentralization of the Ministry of Home Affairs.

1. By memorandum dated 17 November 1945 (SCAPIN 292), the Japanese Government was directed to report to this Headquarters all changes in the structure of the Japanese Government. The implementation of Articles 92 and 94 of the Constitution of Japan and the various Local Government Reform Laws enacted by the Diet pursuant thereto require additional changes in the internal structure of the civil government of Japan in conformity therewith.

2. Inasmuch as the Ministry of Home Affairs is the focal point for centralized controls within the governmental structure of Japan, it is requested that a plan for the reorganization of that Ministry be submitted to this Headquarters not later than 1 June 1947.

3. With the view to carrying out the constitutional and legislative policies of decentralization and local autonomy, such plan should provide: (a) for the limitation of the functions of the Ministry to those operations which can be demonstrated to be indispensable to the internal affairs of the national government; (b) for the dissolution of all bureaus within the Ministry, the duties of which can be performed by local government bodies consistent with the general welfare; (c) for the transfer to other Ministries or agencies of the national government of those duties functionally related to their respective responsibilities.

COURTNEY WHITNEY,
Brigadier General, U.S. Army,
Chief, Government Section.

GOVERNMENT SECTION

1 July 1947

Memorandum for Director-General of the Cabinet Secretariat

Subject Judicial Process and Police Power Plan

1 In conformity with the Constitution of Japan which provides that it shall be the supreme law of the nation, a preliminary draft of a revision of the Code of Criminal Procedure has been submitted to this Headquarters by the Japanese Government The purpose of the proposed revision is to eliminate those portions of the Code which, being contrary to the provisions of the Constitution no longer have legal force or validity, and simultaneously to insert into the Code new articles protecting the rights of the people and implementing the principles of democracy embodied in the Constitution As such, the proposed revision represents a monumental achievement

2 Consideration of the proposed revision of the Code has raised, however, important issues concerning the administration of justice in Japan which must be resolved quickly if the proposed revision is to operate in effect as is contemplated by its terms For the strengthening of democratic tendencies in the judicial system of Japan requires not only the revision of procedural rules and regulations but also the reorganization of institutions charged with the administration of justice The Japanese Government has heretofore recognized the urgent necessity for reconstruction of the judicial system in the Court Organization Law and in the Public Procurators' Office Law enacted at the last session of the Diet

3 [illegible] process

4 It is therefore requested that there be prepared for the consideration of the Supreme Commander a judicial process and police power plan In order that such plan can be considered concurrently with the proposed revision of the Code of Criminal Procedure it should be submitted as soon as possible but not later than 1 September 1947 The judicial process plan should be so designed as to fix and determine the relationships mentioned in the preceding paragraph, and other relevant relationships arising therefrom, in a manner consistent with the principles of separation of the judicial process from the administrative, of local home rule and of personal liberty and individual dignity

COURTNEY WHITNEY,
Brigadier General, U S Army,
Chief, Government Section

GOVERNMENT SECTION

19 Dec. 1947.

Memorandum For: Director General of the Cabinet Secretariat.

Subject: Imperial Household Office Law and Cabinet Order No. 5.

1. Pursuant to the Imperial Household Office Law, Cabinet Order No. 5 promulgated May 3, 1947 provides that the Imperial Household Office shall perform only those duties provided for in Article 7, Items 9 and 10 of the Constitution (relating to receiving foreign ambassadors and ministers and the performance of ceremonial functions) with which the Emperor is concerned, "excluding those as fixed by the Prime Minister." By Article 88 of the Constitution all property of the Imperial Household now belongs to the State and all expenses thereof are appropriated by the Diet in the budget. Under the Imperial House Economy Law all members of the Imperial family other than the immediate family of the Emperor, the Empress Dowager, and the Emperor's brother have left the status of the Imperial family and their affairs are no longer supervised by the Imperial Household Office. Other functions and duties of the Imperial Household Office have been transferred to the Imperial House Council and to the Imperial House Economy Council.

2. In view of the above announced fundamental changes in the scope, nature and number of the functions of the Imperial Household Office and the completion of the transitional period in the liquidation and transfer of the business previously carried on by that office, it is requested that Cabinet Order No. 5 be reviewed to conform to the letter and spirit of the Constitution and the Imperial Household Office Law with a view toward adapting the internal structure and operations of the Imperial Household Office to its new status as a ceremonial and custodial agency under the jurisdiction of the Prime Minister.

(Sgd.) COURTNEY WHITNEY
Brigadier General, U. S. Army,
Chief, Government Section.

Appendix D. 12

May 17, 1948

Dear General Whitney

sending you herewith enclosed for your sympathetic consideration

I hope I shall be given a chance of seeing you one of these days, when I wish to discuss the plan personally

Yours faithfully,

HITOSHI ASHIDA,
Prime Minister

BRIGADIER-GENERAL COURTNEY WHITNEY,
Chief, Government Section, General Headquarters,
Supreme Commander for the Allied Powers

Explanatory Statement

May 17, 1948

The question of how and to what extent the present system of local offices and field officers of National Government should be readjusted, in consideration of the repeated and unanimous request of Prefectural Governors and the influential opinion in support of it in Diet and elsewhere, has long been overdue

Simultaneously with the popular election of Prefectural Governors pursuant to the New Constitution, number of local offices of Ministries and Board of National Government have been added and their activities in local field expanded This tendency is particularly noticeable in the field of economic control For instance, the allocation and distribution of essential materials and goods have been largely placed under the jurisdiction of competent Ministries and their local agencies and this arrangement has necessarily contributed much to the increased functions of National Government in the field

As a result of this, functions and activities of local Governors are naturally restricted, and, in some cases, overlapping of activities arose Public opinion seems to favor the discontinuation of such practice and it is incumbent upon the Government to review the whole system with a view to readjust-

erally expressed opinions, while the execution of economic controls and other activities will not be hampered in any way by the transfer of the task to Governors or stream-lining the existing offices as proposed in the plan

It is hoped that the Supreme Commander for the Allied Powers will be good enough to approve the action the Government is going to take in consideration of the political import and complications this long outstanding question involves

May 17, 1948

PROPOSED READJUSTMENT PLAN OF LOCAL OFFICES OF NATIONAL GOVERNMENT

1. The following offices will be abolished and their functions transferred to Prefectural Governors.
   a. Some of the offices charged with the administration of Temporary Demand and Supply Adjustment Law.
      Under jurisdiction of Prime Minister's Office:
         46 Branch Building Offices, Construction Board.
            Charged with allocation of construction materials; granting permission for constructing buildings, equipments and facilities; construction of coal miner's houses; statistics and research.
         46 Local Resident Officers of Construction Board.
            Charged with allocation of materials for public civil engineering works.
      Under jurisdiction of Ministry of Education:
         46 Resident Officers at Prefectures, Education Facilities Bureau.
            Charged with allocation of materials for school and other facilities for social education, religion, cultural activities, etc.
      Under jurisdiction of Ministry of Agriculture and Forestry:
         6 Resident Officers of Agricultural Administration Bureau.
            Charged with allocation of fertilizer and supervision of fertilizer factories and Fertilizer Distribution Kodan. Allocation business of the above Offices in accordance with the Designated Production Material Allocation Regulation and Fertilizer Distribution Regulation based on the Temporary Demand and Supply Adjustment Law, will be transferred to Prefectural Governors.
   b. Others:
      Under jurisdiction of Prime Minister's Office:
         Tachikawa Branch Liaison Office, one of the five Branch Liaison Offices of Local Liaison and Coordination Office.
      Under jurisdiction of Ministry of Welfare:
         46 Disease Prevention Officers resident at Prefectures. Tachikawa Branch Liaison Office is mainly charged with procurement business and Disease Prevention Officers are conducting their work already under Governor's control, and it is deemed appropriate to transfer their functions to local Governors.
2. A part of the function of the following offices will be transferred to Prefectural Governors.
   Under Jurisdiction of Ministry of Transportation:
      52 Highway Transportation Control Offices.
         Their present function includes, besides allocation of transportation materials in accordance with relevant laws and regulations, supervision and control of lightcart transportation, automobile business and other automobiles for private use. The function with the exception of allocation of materials will be reviewed and transferred to Governors as much as possible; for example, business connected with lightcart transportation.
3. Proposal to set up following offices will be dropped.
   Under jurisdiction of Ministry of Welfare:
      National Park Administration Office (not yet set up).
   Under jurisdiction of Ministry of Labor:
      8 Local Labor Bureaus (not yet set up).
4. As regards following offices, readjustment will be made and their number decreased.
   Under jurisdiction of Ministry of Commerce & Industry:
      74 Branch Offices of Regional Commerce & Industry Bureaus.
         Charged with Allocations of production materials, mining and power industries, Government monopoly of alcohol and other commercial and industrial administration in general.
   The above Offices are not only situated at Prefectural Capitals but also at other places in Prefectures necessary for conducting specialized works such as mining administration and alcohol monopoly. It is now proposed to review the required number of the Offices from an overall point of view and at the same time make necessary consolidation and stream-lining.

5 As regards following offices, present scale of organization will be revised and made smaller

Under jurisdiction of Ministry of Finance

40 Local Departments of Regional Finance Bureaus

Charged with the enforcement of Company Account Emergency Measure Law and Enterprise Reconstruction & Reorganization Law, enforcement of Financial Emergency Measure Order and Financial Institutions Reconstruction & Reorganization Law, research work of appropriation and settlement of account in connection with General and Special Accounts

Now that the administrative business in connection with the Enterprise Reconstruction & Reorganization Law and the Financial Emergency Measure Order has [illegible] ended, [illegible]

[illegible]

Charged with demand and supply adjustment of charcoal and firewood such as examination, purchase, storage and transportation of same under Charcoal and firewood Special Account

In consideration of the gradual simplification of control on charcoal and firewood, it is proposed to curtail the present organization

Remarks:

In view of the necessity for the competent Ministers to forcefully direct and supervise Prefectural Governors after the transferance of the administrative functions of the National Government in accordance with the above plan, necessary legislative steps will be taken

Also appropriate measures will be taken in connection with the increased financial burden caused to Prefectures by the above action

Appendix D: 13

Tokyo, Japan,
June 20, 1948.

Dear Mr. Prime Minister:

The Supreme Commander has directed me to advise you that the plan of reorganization and deconcentration outlined in your letter to me of May 17, involves a matter of internal administration for consideration and determination by the Japanese Government.

It is understood, of course, as you have pointed out, that care will be exercised in such administration to ensure against any obstruction to national economic policies and objectives.

Very sincerely,

(Sgd) Courtney Whitney
COURTNEY WHITNEY
Brigadier General, U.S. Army
Chief, Government Section

The Prime Minister,
Tokyo, Japan.

cc: C/S
D C/S (Brig. Gen. A. P. Fox)
D C/S (Brig. Gen. W. K. Harrison)
D C/S (Brig. Gen. G. V. Keyser)
Major Gen. W. F. Marquat, Chief ESS
Maj. Gen. H. J. Casey, Engineer, FEC
Brig. Gen. C. F. Sams, Chief, PH&W
Lt. Col. D. R. Nugent, Chief, CI&E
Lt. Col. H. G. Schenck, Chief, NRS
Brig. Gen. F. S. Beason, Jr., Trans. Sec.

Appendix E

DOCUMENTS RELATING TO POLITICAL POLICY

JAPANESE GENERAL ELECTIONS

SCAP Directive, January 12, 1946[1]

1 You are hereby authorized to hold a general election of members of the House of Representa- [illegible]

[illegible]

vigorous enforcement, to preserve inviolate the secrecy of the ballot, and to further such other safeguards as may from time to time be communicated to you by the Supreme Commander

FOR THE SUPREME COMMANDER

H W ALLEN
Colonel, A G D ,
Asst Adjutant General

[1]General Headquarters, Supreme Commander for the Allied Powers, AG 014 35 (12 Jan 1946) GS

Appendix E: 2

FAR EASTERN COMMISSION INQUIRY TO GENERAL MacARTHUR ON TIMING OF ELECTIONS

March 21, 1946.

The Far Eastern Commission has given some short preliminary and tentative consideration to the position that may arise after the forthcoming Japanese elections. Having regard to the established position throughout the country of the more reactionary political parties, and to the very short period available to the parties of a more liberal tendency to circulate their views and organize support, the members of the Commission are not without the apprehension that the holding of the election at such an early date may well give a decisive advantage to the reactionary parties and thus create the embarrassment of a Japanese Government elected in terms of the Potsdam Declaration "in accordance with the freely expressed will of the Japanese people," which might not, in fact, truly represent their wishes, and with which it might prove impossible for the Supreme Command to cooperate. From another point of view, the Commission feels the difficulty of expecting a fully instructed, intelligent and authoritative expression of the views of the Japanese people on their political future during this uncertain period when the whole of the future economic structure of Japan is still in doubt, and when a proportion of the electorate must necessarily be disfranchised owing to absence. Finally, the issue of the Draft Constitution, of which you have approved, makes the Constitution at this late stage an election issue, upon which there can be little time for consideration by the Japanese people, and at the same time may give an undue political advantage to the political party preferring this Constitution.

The Far Eastern Commission would be most grateful if the Supreme Commander could let them have a very early expression of his views generally, and in particular on the following questions:

1. Does the Supreme Commander share the apprehensions expressed above?

2. If so, would he consider it possible and desirable to require a further postponement of the Japanese elections, and in that case, for what period?

3. If the Supreme Commander should not consider a further postponement desirable at this late date, would he express his views on the desirability, as an alternative, of publicly prescribing that the forthcoming election will be regarded as a test of the ability of Japan to produce a responsible and democratic government in full accordance with the wishes of the people and that further elections will be held at a later date?

REPLY BY GENERAL MacARTHUR TO FAR EASTERN COMMISSION ON TIMING OF ELECTIONS

March 29, 1946

The basis of occupational policy is the utilization of the Japanese Government to the fullest extent, under SCAP supervision and control This is only possible through a functioning legislative body to enact new laws required to implement SCAP directives and to provide for routine governmental business The alternative is government by Imperial Edict which denies to the Japanese People the right to participate in their own domestic affairs Such emphasis upon the power of the Emperor would obviously be both undemocratic and unwise and would negative the basic principles envisaged at Potsdam, which we have proclaimed and are meticulously following The present Diet is completely unsatisfactory because of its war attaint and its unrepresentative character, having been elected in 1942 under Tojo's control It is imperative that a more representative body be organized at the earliest possible date The urgent requirements of the present situation demand an expression of popular will The results of the election will serve to define more clearly the political picture, to clarify political issues and political parties and to indicate the nature and trend of popular opinion It will also provide for popular participation in the determination of major questions The suffrage base has been greatly broadened through the lowering of the minimum age requirement and the removal of restrictions on sex By the application of the purge directive of January 4, 90 per centum of the members of the present Diet, as well as many other persons holding high government office in the war administration, have been removed from government service and barred from public office or activity as officers of political parties No political group has hereby suffered so greatly as the reactionaries Every candidate for the New Diet, of whom there are over 3,000, has been screened for affiliation or association with militarism and ultra-nationalism Many reforms in the electoral system have been accomplished The election laws are now sufficiently democratic to provide ample opportunity for a free expression of the popular will The campaign and the election are being carefully watched and closely studied by the forces under my command, with the objective of verifying the democratic nature of the electoral process

It is probable that the new Diet will be the most truly responsive body to the will of the people that has ever served Japan and will provide the basis for a much more representative cabinet Under any circumstances it will certainly be a great improvement over the last Diet along democratic and liberal lines There is no ground for supposition that the reactionary party will secure a greater advantage as a result of the election at this time than at a later date Political activity is now widespread Any postponement of the election would inevitably result in greater advantage to the more experienced and better organized reactionary group severely crippled by the purge order who would thereby be provided the opportunity to regroup and strengthen

Any postponement would certainly be misunderstood by the Japanese People, and would have a profound adverse reaction upon the purposes and success of the occupation Should the results of the election prove disadvantageous to the purposes of the occupation, the remedy is always in my power to require the dissolution of the Diet and the holding of a new election under such provisions as are deemed necessary

The Commission expressed the following view "Finally, the issue of the draft Constitution, of which you have approved, makes the Constitution at this late stage an election issue, upon which there can be little time for consideration by the Japanese people, and at the same time may give an undue political advantage to the political party preferring this Constitution "

The Commission seems to be laboring under a confusion of thought in believing that the constitution has been put forth by any particular party The Cabinet itself does not represent any party The Prime Minister, Shidehara, is completely independent and has no party affiliations whatsoever All parties in Japan, except the Communistic Party, overwhelmingly favor the proposed constitution, which represents the work of men from many different groups and many different affiliations It has created confidence in the Cabinet but cannot be re- [illegible] in any way on the election returns of any party or any candidate

In reply to your three specific questions in the last paragraph of your message my answers are

1 Question Does the Supreme Commander share the apprehensions expressed above?

Answer No

2 Question If so, would he consider it possible and desirable to require a further postponement of the Japanese elections, and in that case, for what period?

Answer No

3 Question If the Supreme Commander should not consider a further postponement desirable at this late [illegible]

Answer: The suggested statement seems wholly unnecessary. The conditions it would announce are inherent in the situation and are completely understood, as I can require dissolution of the Diet and call for another election at any time.

STATEMENT BY GENERAL MacARTHUR ON ELECTION RESULTS

April 25, 1946

I have approved the accompanying report of the Chief, Government Section on the Japanese national election conducted on April 10, 1946

Pure democracy is inherently a spiritual quality which voluntarily must spring from the determined will of the people It thus, if it is to become firmly rooted, may not be imposed upon a people by force, trickery or coercion—nor is it a quality for barter or trade All, since the beginning of time, have had the smoldering desire to achieve democracy, too few have had the unrestricted right to express that desire for it—fewer still to achieve it

It was Lincoln who said the people are wiser than their rulers The soundness of this statement is historically evident—and the Japanese people provide no exception Given the opportunity for free expression of their popular will, they responded whole-heartedly and, rejecting leadership dedicated to the political philosophies of the two extremes both of the right and of the left—which experience has shown in practice inevitably lead to the result of regimentation of the masses and the suppression of human liberty, they took a wide central course which will permit the evolvement of a balanced program of government designed best to serve their interests as able people

Democracy has thus demonstrated a healthy forward advance It is for the newly elected representatives of the people in the National Diet, in vindication of the faith of the electorate, now to consolidate and further that advance by developing a program of sound and constructive legislation

The report epitomized the history of democracy on the march from the dissolution of the old Diet and the purge to the pre-election campaign, together with the conduct of the election and analysis of the results

The report leaves no doubt as to the fact that democracy has thus demonstrated a healthy forward advance The uncertainty as to the trend of attitude of the women to their new found freedom which characterized the Japanese press prior to election was dissipated when 66 per cent of the eligible women voters cast their ballot Pre-election speculation had seen the women s vote at between 30 percent and 60 percent

Over 27,000,000 people or 73 percent of the entire electorate, cast their votes, despite the handicaps of transportation difficulties The previous all time high of those who cast their votes was 11,250,000 Professional politicians did not receive much consideration According to a survey, but 6 politicans are included in the Diet just elected In the prewar Diets, the preponderance of members have been lawyers, big business representatives, and professional politicians while in the new Diet, there are only 52 lawyers and 82 corporation directors We see 32 teachers, 22 authors, 13 physicians, and 49 farmers, making this new Diet contrast sharply with former law-making bodies The old line politicians have all but disappeared Of the 93 Progressives elected, 70 are new faces, 102 of the 139 Liberals likewise make their first appearance, and the Socialists have jumped from 17 to 92 Independents in the old Diet had 72 while in the new there are 83, but of the 83, 78 are new faces Summarizing, 375 of the 466 in the new Diet are having their first chance in law-making

The report shows that, despite claims of large numbers who were disfranchised because of lack of registration, less than 0 4 of one percent of the electorate did not find their names on the registered list In the vast majority of cases of those whose names were omitted, it is found that this was due to having changed their residence without having registered for transfer These could have used an absentee ballot but failed to avail themselves of this right Of all others whose names were not on the registration list, a large portion failed to avail themselves of their rights and previously to check the list of names on the public notices of registered voters

Historically, following the dissolution of the Diet on December 18, 1945, the election of April 10 was ordered The step was taken at that time to create a fresh legislative body—(1) to dispel confusion resulting from the failures of discredited political leadership, (2) to eliminate from public life those who were tainted with war guilt, (3) to introduce new political figures, (4) to evaluate political thinking of the Japanese people, (5) to establish executive authority responsible to the people, (6) to provide means for legislative decision to be made by the will of the people, (7) to permit political expression on long repressed political views, (8) to provide the legislation required for the implementation of SCAP directives, (9) to avoid the use of undemocratic methods of government by imperial rescripts and ordinances, (10) to conform with the Japanese constitution which requires that a new legislative assembly be convened within 5 months after a Diet is dissolved

Reports show that ample precautions were taken to insure a fair election Candidates and parties were limited as to amounts of financial backing which could be given or received Prefectural governors were prohibited from editing or censoring of candidates personal statements A supervised organization was set up to provide surveillance by troops in the field which would insure immediate disclosure of any irregularities There was a thorough orientation of all the officers of military-government units and tactical forces with emphasis on the high seriousness of the elections The military-government units were augmented for the purpose of supervision by tactical units and CIC units Prefectural governors were advised that the occupation forces would

OFFICE OF THE SUPREME COMMANDER FOR THE ALLIED POWERS

AG 402.5 (24 Sep 45) GD SEPTEMBER 24, 1945.
(SCAPIN 53)

Memorandum for: Imperial Japanese Government
Through: Central Liaison Office, Tokyo
Subject: Materials, Supplies, and Equipment Received and to be Received from the Japanese Armed Forces.

1. In furtherance of paragraph VI, General Order No. 1, this headquarters, dated 2 September 1945, it is desired that the Imperial Japanese Government take immediate steps to prepare to turn over on demand to the Commanding Generals, Sixth and Eighth United States Armies, XXIV Corps, and Commanders, Fifth and Seventh Fleets, all arms, ammunition, explosives, military equipment, stores, and supplies and other implements of war of all kinds and any equipment or other property belonging to, used by, or intended for use by the Japanese armed forces or any members thereof in connection with their operations. Japanese armed forces include all Japanese and Japanese controlled land, sea, and air forces and military and para-military organizations, formations, or units and their auxiliaries including Civilian Volunteer Corps wherever they may be located.

2. United States Occupation Force Commanders have been directed to destroy all equipment which is essentially or exclusively for use in war or warlike exercises and which is not suitable for peacetime civilian uses. After operational requirements of Occupational Forces have been met, equipment and supplies of the Japanese armed forces which are not essentially for war or warlike exercises, including scrap from implements of war destroyed, are to be returned to the Japanese Government except that in Korea.

3. The Home Ministry of the Imperial Japanese Government is hereby designated as the official agency to receive and account for such supplies, materials and equipment of the Japanese armed forces as are being returned to your control.

4. In order to administer these transactions, it is desired that the Imperial Japanese Government take the following action:

a. Responsible Japanese Army and Navy Commanders will prepare inventories by location (generally corresponding to points at which the material is being assembled for turn over to the United States Occupation Forces) of all supplies, materials, and equipment in their possession. These inventories will be made available upon call to United States Occupational Force Commanders.

b. The Home Ministry of the Imperial Japanese Government will send representatives to the Commanding General, Sixth and Eighth United States Armies and Commander, Fifth Fleet, for the purpose of receiving supplies, materials, and equipment being returned to the Japanese Government. Sufficient personnel will be provided to accept these items at the locations where turned over by the Japanese armed forces.

c. The Home Ministry of the Imperial Japanese Government will maintain records of all property so received and account for this property in such form that the disposition of all supplies, materials, and equipment may be traced to the ultimate consumer. These records will be made available on call to the Supreme Commander for the Allied Powers, the United States Occupational Force Commanders, or authorized representatives.

5. You are informed that the supplies, materials, and equipment returned to your Government are for the purpose of civilian relief, and for use towards restoration of Japanese civil economy to the extent that it can provide the essentials of food, clothing and shelter for the Japanese civilian population. The use of these supplies, materials, and equipment for any purposes other than the above is expressly forbidden.

FOR THE SUPREME COMMANDER:

(s) Harold Fair,
(t) HAROLD FAIR,
Lt. Colonel, A.G.D.,
Asst. Adjutant General.

Appendix E 7

Tokyo, Japan
March 14, 1947

Dear Mr Prime Minister

The revised draft Bill for Amendment of the House of Representatives' Election Law which you handed me yesterday contains, in addition to a number of technical changes designed to meet the requirements of the New Constitution, a substantial change in the electoral system itself It replaces the prefectural election districts and the restricted plural vote by small districts and the single vote This is a matter concerning which—as I told the Minister for Home Affairs personally on 12 February—the Supreme Commander feels the National Diet should have sole discretion as it involves but a selection between two democratic alternatives The Supreme Commander's only requirement is that no such law shall be passed which contravenes fundamental democratic principles

Since your proposed Bill contains no such undemocratic provisions, the Supreme Commander has no objection to its introduction in the Diet for full and free discussion and decision

Very truly yours,
COURTNEY WHITNEY,
Brigadier General, U S Army,
Chief, Government Section

The Prime Minister of Japan,
Tokyo

Appendix E: 9

Tokyo, Japan,
September 18, 1947.

Dear Mr. Prime Minister:

I am returning herewith the Government's bill entitled, "The Temporary State Control of Coal Mining Law." There is no objection to its presentation to the Diet for consideration on its merit, without prejudice of any kind from this headquarters.

If this emergency measure, under which the Government temporarily assumes the responsibility heretofore resting upon private enterprise, is adopted, the Government must raise the production goal previously set to a level consistent with the added resource which alone would justify the change. The production level of coal before and during the war exceeded fifty million tons. Basic conditions surrounding the industry have not materially or substantially changed since then. All materials involved are available within Japan and labor is plentiful, so that it seems unrealistic indeed that greater production is not achieved.

To this end the Government should commit all necessary and available resources. It should with maximum vigor and determination approach the problem from every conceivable angle by: concentrating the best engineering and other technical skill to guide the operations; placing coal mining activity generally on a twenty-four hour basis through the requisite work shifts; providing the living facilities and food essential to the maximum productivity of the individual; opening up new seams and mines where geological conditions justify such action; scrupulously preventing the diversion of mined coal to other than legitimate industrial purposes; and vigorously prosecuting any who wilfully impede the successful accomplishment of the task.

I am quite sure that if this problem is approached with vigorous leadership and direction by the National Government, the Japanese people, who will reap the full benefit therefrom, will respond wholeheartedly in support.

Sincerely yours,

DOUGLAS MACARTHUR

The Prime Minister,
Tokyo, Japan.

RESOLUTION

Resolved by the House of Representatives:

1. That there is hereby established a Nonpartisan Special Committee on Irregular Property Transactions to be composed of not more than thirty members of the House of Representatives to be appointed by the Speaker of the House of Representatives.

2. The Committee shall make a full and complete investigation of the disposal and handling of and transactions involving public property on or after 14 August 1945, including but not limited to war materials, civilian goods and supplies, surplus property, hoarded and concealed goods, special goods returned to the Japanese Government by the Supreme Commander for the Allied Powers, idle materials, excessive stocks of goods and all other commodities useful for the economic recovery of Japan as well as the fraudulent sale of government goods on the premise that they were available for distribution and the use of the proceeds of such sales, with a view toward determining the responsibility of persons in the public service who have been false to their public trust, persons in the employ of private corporations, associations or other organizations and all other individuals acting in their own behalf or as agents for others who have participated directly or indirectly in the illegal diversion, misappropriation or fraud in relation to the above enumerated property. This investigation shall include, but shall not be limited to the relationship between such persons and the ministries or other agencies of government, national or local, their relationship to the House of the Diet and members thereof and their relationship to political parties and to persons in or out of public service who either directly or indirectly have contributed to or have been instrumental in depriving the people of Japan of the benefits of such property, or otherwise acted in a manner contrary to the public welfare

3 a The Committee or any duly authorized subcommittee thereof is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the House of Representatives, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers and documents, to administer such oaths, to take such testimony, to procure such typing, printing and binding, and to make such expenditures as it deems advisable

b The Committee is empowered to appoint and fix the compensation of such counsel, investigators, experts, consultants, technicians, and clerical and stenographic assistance as it deems necessary or advisable

c The expenses of the Committee which shall not exceed ¥250,000 shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman or by a director designated by the chairman, and the sum of ¥250,000 is hereby authorized and appropriated for such purposes and shall be available until the convening of the third national Diet

d The Committee shall report from time to time to the House of Representatives the results of its investigations together with its recommendations at least monthly. If the House of Representatives is in recess or has adjourned, the report shall be made to the Speaker of the House of Representatives and shall be presented by him to the House of Representatives when it reconvenes. All such reports shall be matters of public record except for such parts thereof the publication of which would be detrimental to the public interest

SUPPLEMENTARY REPORT ON THE PROGRESS OF THE SPECIAL COMMITTEE FOR INVESTIGATION OF CONCEALED AND HOARDED GOODS IN THE HOUSE OF REPRESENTATIVES

Part I. Introduction

Our economy has met with great difficulty since the surrender. Two problems have been critical—the shortage of food and a shortage of raw materials which rocks the foundation of our industries.

It is, therefore, up to the Government and upon the National Diet to adopt policies and sponsor programs which will speed up the stabilization of Japan's economy. It will be necessary for some time to depend partly on food imports to maintain a reasonable and healthful diet in Japan. Importations thus far have exceeded Japanese exports by several hundred million dollars. Since such imports on credit cannot continue indefinitely it becomes obvious that Japanese industrial production must be greatly increased to provide foreign exchange sufficient for the purchase of foodstuffs abroad.

It is the purpose of this report to suggest an immediate method by which Japanese industrial production can be increased, by which the progress of inflation can be restrained, and by which export revenues can be released for meeting the deficit in the nation's food account.

The method proposed is the immediate mobilization of all goods and materials which were held in stock at the time of the surrender, especially those publicly owned goods which were illegally diverted into private hands. At a conservative estimate the value of such goods—some of which have been diverted into the black market and some of which are still in concealment—exceeds ¥50,000,000,000, former Finance Minister Tanzan Ishibashi testified in August this year before your Committee that in November 1945 he received from GHQ a list of goods amounting to more than ¥100,000,000,000 in value which had been handed over to Japanese authorities by GHQ for general distribution. No satisfactory report on the disposal of that vast hoard has ever been made.

Under Occupation directives it is the duty of the Japanese Government to discover the kind, quantities and place of such goods and materials, and it is the concomitant duty of the Government to channel into production all such goods which could contribute to the stabilization of the economy.

It is significant, however, that no clear legal means is now in existence for dealing with the cases that have arisen out of such extremely lawless acts as were committed under the cover of post-war confusion. The Committee earnestly believes it will serve the interests of the Japanese people to review ineffectual legal measures taken since the surrender for the recovery of these public properties and to suggest measures which would enable the Government to deal effectively with the problem.

In any investigation of hoarded goods it should be recognized that tremendous opposition will be encountered and has in fact been encountered repeatedly by the Diet's Special Committee on Hoarded and Concealed Goods. Among the general public there are those who fear a thorough-going exposure of concealed and hoarded goods because they themselves are often dependent on the black market and they fear their own sources of supply may be cut off. There are others who collaborated with the extreme militarists during the war; in the chaos following the surrender those who had close relations with munitions factories were able to seize war goods in their possession and by the sale of these goods have since become extremely wealthy. In some cases these nouveau riche have run for seats in the Diet or have financed the election of their personal spokesman, thus gaining power in the political field. They wear a mask of democracy but in reality they swagger on the black markets and are prolonged confusion of the national economy. There are other officials in the central and local government who have been corrupted by the illegal possessors of war goods and who fear to collaborate in exposing these frauds lest they themselves be implicated. The opposition to a fearless and honest exposure of postwar frauds extends to all levels of society and government. It is, therefore, obvious that the rights and interests of the Japanese public as a whole can be protected only by the active intervention and assistance of Allied Occupation authorities.

Part II. Background

Following Japan's message accepting the Potsdam Declaration, the Allied Forces transmitted a message containing instructions that the Emperor should issue cease fire orders to all units under the command of the Japanese Army and Navy and should direct all such units to surrender their arms and follow all orders issued by Allied commanders.

On August 14, 1945, the Japanese Cabinet, headed by Admiral Suzuki, met hurriedly and agreed upon the hasty disposal of all war goods possessed by the Army and Navy. In an effort to bridge the gap which developed at the time of the surrender between the people on one hand and the military forces on the other, it was decided to curry favor by distributing war goods and materials to government organs, public organizations, private factories and to private persons. In accordance with this decision, Army and Navy authorities instructed individual units to distribute as quickly as possible whatever war goods were then in their custody. In doing this the Suzuki Cabinet wilfully misinterpreted the purport of the

Allied instructions, the Cabinet deliberately chose to understand that only arms and ammunitions should be handed over to the Allies and that all other war goods could be disposed of freely

On August 15, 1945, the Japanese Army issued to each army unit Secret Instruction No 363 in which the Cabinet decision of the previous day was implemented In paragraph 1 this instruction said

"As a principle, war goods, materials and facilities for producing war goods should not be disposed of free

The secret instruction dated August 15 was delivered to subordinate commanders August 16 together with instructions that on the 17th and 18th all papers and documents of a military nature were to be burned or otherwise destroyed, but that papers and documents of a financial nature relating to such matters as war contracts and property rights were to be preserved It is doubtful whether this order was carried out strictly along the lines laid down, subsequent investigation had disclosed that many documents which could establish the

then in Japanese possession, including arms, munitions, explosives, equipment and other stocks of war goods This order also made it clear that the Allied forces would not permit the dissipation of Japanese property and constituted a specific cancellation of the August 14 Cabinet order

Nevertheless it was not until August 28, 1945, that the Higashikuni Cabinet formally rescinded its previous order. During this thirteen day period from August 15 to 28, substantial quantities of public property were removed from government store houses, numerous illegal transactions transferring title to such property were consummated, and numerous records were altered or de-

pensating payment to the public treasury The goods thus diverted from their proper channels and the individuals thus enriched have remained throughout the Occupation as a cancer threatening the economy of this country

On January 11, 1946, SCAP sent the Japanese Government a memorandum inviting its attention to the illegal disposal of war equipment and supplies which took place between August 14 and September 2, 1945 The memorandum pointed out explicitly that the disposal of war goods after the surrender was not in accordance with the spirit of the Potsdam Declaration and ordered the Government to present a complete list of the goods released, a copy of the orders authorizing this diversion of property and a list of those responsible for issuance of the orders The Government, from the records of the former War Ministry and Admiralty, presented the information requested in the GHQ memorandum

The first concrete effort by the Japanese Government *to recover property looted and illegally disposed of during* the chaotic period following surrender was taken by the Shidehara Cabinet on February 17, 1946 At that time the Cabinet issued the "Emergency Decree for Disposal of Hoarded Goods No 88," an order which had the effect of law Under this Act, all those possessing certain stipulated goods were required to submit before March 10, 1946, three copies of a report listing such goods These reports were to be submitted through Prefectural offices to the Minister of Commerce and Industry Possessors of such goods were ordered not to dispose of or move the property prior to April 20, 1946 To give effect to this order, it was provided in article VII

"The Minister concerned, or the Governor, can demand all necessary information concerning goods under investigation' and designated goods' from those concerned Further, he can send officials to factories, workshops, stores, warehouses and other places for inspection with instructions to examine the condition of the business, the goods in question or the company's books and records In this case the officials concerned must bear their identification cards "

Following the April 1946 elections and during the negotiations which led to the formation of the Yoshida Cabinet on May 22, 1946, a contract was concluded on May 16, 1946, between the Chief of the Investigation Bureau of the Home Ministry and a group of private businessmen calling themselves "The Arms Disposition Commission " No legal foundation for this contract existed

The so-called Commission was formed by Mr Takashi Komatsu as chairman of a group representing five Zaibatsu companies The Commission was so formulated as

attached to it that negotiations for its conclusion had started in November 1945. At that time it was estimated that the Government would be able to recover 1,288,720 tons of public property valued at ¥1,289,600,000 During the time this Commission functioned, it actually recovered 835,102 tons of material on which it realized ¥957,700,000 It is worth noting that GHQ in November 1946 estimated the total value of recoverable goods at ¥100,000,000,000, but the total value of recoverable property at the time the Arms Disposition

Commission was organized was estimated at a little more than ¥1,000,000,000. These facts lead to a presumption that there exists serious cases of irregularity and dishonesty in this entire transaction.

On November 15, 1946, according to his own subsequent testimony, Mr. Tanzan Ishibashi as Minister of Finance received from Allied authorities a list of so-called special goods, which consisted of miscellaneous supplies and materials seized by Occupation forces immediately after the surrender and subsequently turned over to the Japanese Government for the use of the general public and for use in industrial production. Mr. Ishibashi testified before your Committee in August 1946 that he had no record whatever of the manner in which these goods were disposed of although it was estimated they were valued at approximately ¥100,000,000,000. He further testified that he had no knowledge of the revenue derived from the sale of these goods. This would seem to constitute prima facie evidence of the negligent and irresponsible manner in which the Government handled billions of Yen worth of public property. There is a natural presumption that widespread fraud existed in the distribution of these commodities.

In a belated effort to regularize disposal of war goods and to stimulate Japan's flagging economy, a joint Ministerial Ordinance was issued January 25, 1947, by the Ministries of Commerce and Industry, and Agriculture and Forestry. This ordinance was entitled "Regulations for Filing Inventories on Stocked Materials for Designated Production." It was less an effort to uncover illegal transfers of war goods than an attempt by the Government to channel hoarded goods into production. It provided that owners of designated commodities in excess of stipulated amounts would file within thirty days a report on the quantities of such commodities in their possession and could dispose of such excess stocks only to authorized private manufacturers or government agencies.

As a result of the proclamation in February 1946 of the Decree concerning the disposal of hoarded goods, it was assumed that theoretically no such stocks were still in existence. This assumption, however, was challenged in February 1946 by Mr. Koichi Seko, Undersecretary for the Home Ministry. As a result of investigations which he made during his term of office, he was convinced that large quantities of hoarded goods were still flowing into the black market and impeding economic recovery. Following the reorganization of the Yoshida Cabinet, Mr. Seko resigned from the Home Ministry. He then approached Finance Minister Ishibashi who was concurrently Chairman of the Economic Stabilization Board and urged that further steps be taken to expose hoards of concealed goods. As a result of his suggestions, the Yoshida Cabinet agreed on February 14, 1947, on the appointment of an investigating committee within the ESB. The Cabinet announced the creation of a Committee composed of a chairman, a vice-chairman, members and some specialists. Mr. Ishibashi as Chairman of the Committee on February 24, 1947, appointed Mr. Seko a temporary member and vice-chairman.

It should be pointed out that this Committee was brought into being on the basis of an informal Cabinet agreement and without the legal foundation it might possess upon creation by Cabinet decree or ordinance. The dubious legal status of the Committee was described later by Mr. Koichiro Kunishio, head of the Inspection Department of the Economic Stabilization Board, during testimony before the Committee for Public Order and Local Administration of the House of Representatives. Mr. Koichiro Kunishio told the committee in substance:

The Committee for the Disposal of Hoarded Goods was organized February 14, 1947, in accordance with a Cabinet decision. The committee was never legally authorized, however, at that time, or later. Furthermore, it had no legal authority to expose goods or seize concealed goods. In effect the committee was only an investigating organ. The responsibility for the actual exposure of concealed goods was in the hands of ESB officials in cooperation with the Ministries concerned.

The Committee's first meeting was held on February 24, 1947, at the Premier's house, but neither at that time nor subsequently was any formal resolution adopted to make the work of the Committee effective.

Mr. Seko held office as Vice-chairman of the Committee from February 24 until April 11, 1947. During that period numerous reports of hoarded goods were received and numerous attempts were made to investigage those reports. Since Mr. Seko had never received a written grant of authority, he took it upon himself to issue arbitrarily "Seko Instructions for Exposure." Altogether 144 of these orders were issued. Mr. Seko in a report of his activities made the following statement:

"Before I adopted the system of issuing instructions on hoarded goods in my name, I took the following steps. I picked up information which I though creditable from many informants. Then I asked the informant to go to the Police Bureau and explain to the Anti-crime Section the nature of the case. This Police Section, when it thought necessary, gave the informant a sealed letter asking the cooperation of the police in the area where the hoarded goods were concealed.

"Every time I issued an instruction I made an investigation beforehand. As I was afraid these orders might be abused, they were issued only in the name of the bearer and the term of validity was fixed. I made certain that no exposure could take place without the cooperation and certification of local police. Further, I tried to get the cooperation of lawyers in order to prevent the abuse of any civil rights.

"However, I was not successful in obtaining the cooperation of local police and other local officials. Instead, I encountered active resistance and non-cooperation. As a result I gave up these efforts and called upon the public prosecutors for assistance.

"Among the abuses which occurred, despite my efforts,

[illegible]

In the weeks that followed, there were persistent whispers which accused Mr Seko, among others, of shady dealings in connection with the disposition of hoarded supplies Rumors circulated that vast sums of money were passing from hand to hand in deals which involved powerful brokers and their stooges in the bureaucracy and that huge stock piles were disappearing mysteriously a few days before authorities were dispatched to investigate tip-offs on hidden goods These rumors culminated on July 10, 1947, when in a public statement made by Mr Seko before the Liberal Diet Club, he charged openly that there were billions of yen in hoarded goods concealed throughout Japan and urged that the Diet itself form an investigating committee to examine the whole problem He even intimated that members of the Cabinet were involved Following various denials and counter charges, on July 15 Mr. Koichiro Kunishio, then serving as Director of the Supervision Bureau of the ESB, and Hideo Nakayama, Director of the Police Bureau of the Home Ministry, declared in testimony before the House Committee for Public Order that the Seko Committee met only once while Mr Seko was Vice-chairman and asserted that only 95 cases were investigated and that hidden goods were found in only 5 instances These two witnesses testified that since the dissolution of the Seko Committee on April 11, 1947, the Economic Stabilization Board, operating independently, had investigated 282 cases and discovered concealed materials at 145 places

In view of the widespread publicity given Mr Seko's charges and in view of the fact that unnamed Cabinet members were said to be involved in the scandal, the Cabinet felt obliged to take note of the case and the Diet itself considered the affair so serious that it was decided to create a committee for the investigation of the realities of this problem

Part III Special Committee Concerning Concealed and Hoarded Goods

The House Special Committee for the Investigation of Concealed and Hoarded Goods was created July 25, 1947, and held its first meeting the following day Creation of the Committee was without precedent in Japanese legislative history The Special Committee to investigate Hoarded and Concealed Goods is the first committee of investigation ever appointed by the Japanese Diet From the outset, therefore, this Committee had to pave its way onward in the face of numerous difficulties

The public is certainly entitled to believe that the Committee is morally responsible for investigating postwar frauds and the illegal concealment of goods Actually, however, the Committee lacks authority to carry out this responsibility The Committee is very strongly of the opinion that it cannot be expected to assume responsibility unless it has first been granted adequate authority If the new Constitution is to be an effective instrument, the legislative branch must necessarily define its authority clearly and operate within the limitations thus set forth

At the very beginning of the investigation it became clear that there existed conflicting opinions on the Committee's proper function At the Committee s second session, a lively debate took place when Kyuichi Tokuda suggested the investigation of Prince Higashikuni for his part in ordering the armed forces to surrender military supplies in their possession to civilians without compensation This gave rise to a hot dispute A member of the Democratic Party, Tetsuzo Kojima, vigorously opposed this suggestion and declared that the primary mission of the Committee is to channel hoarded goods into regular routes and not call the Government to account On the other hand, there were those who believed the Committee could not possibly fulfill its proper [illegible]

bureaucrats for profits accruing from hoarded stockpiles Observers are of the opinion that the case came to a head [illegible] power to prevent the execution of Mr Seko's drive for unearthing hoarded caches '

Between July 25 and October 15, 1947, the Special Committee held 21 meetings during which it was in session 51 hours Two sub-committee meetings were also held In addition 17 Committee members made 6 field trips on which they travelled 1,450 kilometers All trips were taken at their own expense since no public funds have ever been appropriated for use of the Committee On these trips they investigated

1 The Naval Arsenal, Samukawa Machi, Kanegawa Prefecture

2 Tochigi Prefecture

3 Iwate Prefecture

4 Toyojoze, Shizuoka Prefecture

5 Tokyo Metropolitan area

   (a) Shimura Itabashi-ku, Ishida Alloy Works

   (b) Suburb of Tashikawa—former Hitachi Aviation Factory

   (c) Chuo Ward—Warehouses of Textile Control Association.

Commission was organized was estimated at a little more than ¥1,000,000,000. These facts lead to a presumption that there exists serious cases of irregularity and dishonesty in this entire transaction.

On November 15, 1946, according to his own subsequent testimony, Mr. Tanzan Ishibashi as Minister of Finance received from Allied authorities a list of so-called special goods, which consisted of miscellaneous supplies and materials seized by Occupation forces immediately after the surrender and subsequently turned over to the Japanese Government for the use of the general public and for use in industrial production. Mr. Ishibashi testified before your Committee in August 1946 that he had no record whatever of the manner in which these goods were disposed of although it was estimated they were valued at approximately ¥100,000,000,000. He further testified that he had no knowledge of the revenue derived from the sale of these goods. This would seem to constitute prima facie evidence of the negligent and irresponsible manner in which the Government handled billions of Yen worth of public property. There is a natural presumption that widespread fraud existed in the distribution of these commodities.

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The Committee for the Disposal of Hoarded Goods was organized February 14, 1947, in accordance with a Cabinet decision. The committee was never legally authorized, however, at that time, or later. Furthermore, it had no legal authority to expose goods or seize concealed goods. In effect the committee was only an investigating organ. The responsibility for the actual exposure of concealed goods was in the hands of ESB officials in cooperation with the Ministries concerned.

The Committee's first meeting was held on February 24, 1947, at the Premier's house, but neither at that time nor subsequently was any formal resolution adopted to make the work of the Committee effective.

Mr. Seko held office as Vice-chairman of the Committee from February 24 until April 11, 1947. During that period numerous reports of hoarded goods were received and numerous attempts were made to investigage those reports. Since Mr. Seko had never received a written grant of authority, he took it upon himself to issue arbitrarily "Seko Instructions for Exposure." Altogether 144 of these orders were issued. Mr. Seko in a report of his activities made the following statement:

"Before I adopted the system of issuing instructions on hoarded goods in my name, I took the following steps. I picked up information which I though creditable from many informants. Then I asked the informant to go to the Police Bureau and explain to the Anti-crime Section the nature of the case. This Police Section, when it thought necessary, gave the informant a sealed letter asking the cooperation of the police in the area where the hoarded goods were concealed.

"Every time I issued an instruction I made an investigation beforehand. As I was afraid these orders might be abused, they were issued only in the name of the bearer and the term of validity was fixed. I made certain that no exposure could take place without the cooperation and certification of local police. Further, I tried to get the cooperation of lawyers in order to prevent the abuse of any civil rights.

"However, I was not successful in obtaining the cooperation of local police and other local officials. Instead, I encountered active resistance and non-cooperation. As a result I gave up these efforts and called upon the public prosecutors for assistance.

"Among the abuses which occurred, despite my efforts,

In the weeks that followed, there were persistent whispers which accused Mr Seko, among others, of shady dealings in connection with the disposition of hoarded supplies Rumors circulated that vast sums of money were passing from hand to hand in deals which involved powerful brokers and their stooges in the bureaucracy and that huge stock piles were disappearing mysteriously a few days before authorities were dispatched to investigate tip-offs on hidden goods These rumors culminated on July 10, 1947, when in a public statement made by Mr Seko before the Liberal Diet Club, he charged openly that there were billions of yen in hoarded goods concealed throughout Japan and urged *that the Diet itself form an investigating committee to* examine the whole problem He even intimated that members of the Cabinet were involved Following various denials and counter charges, on July 15 Mr Koichiro Kunishio, then serving as Director of the Supervision Bureau of the ESB, and Hideo Nakayama, Director of the Police Bureau of the Home Ministry, declared in testimony before the House Committee for Public Order that the Seko Committee met only once while Mr Seko was Vice-chairman and asserted that only 95 cases were investigated and that hidden goods were found in only 5 instances These two witnesses testified that since the dissolution of the Seko Committee on April 11, 1947, the Economic Stabilization Board, operating independently, had investigated 282 cases and discovered concealed materials at 145 places

In view of the widespread publicity given Mr Seko's charges and in view of the fact that unnamed Cabinet members were said to be involved in the scandal, the Cabinet felt obliged to take note of the case and the Diet itself considered the affair so serious that it was decided *to create a committee for the investigation of the realities of this problem*

Part III Special Committee Concerning Concealed and Hoarded Goods

The House Special Committee for the Investigation of Concealed and Hoarded Goods was created July 25, 1947, and held its first meeting the following day Creation of the Committee was without precedent in Japanese legislative history The Special Committee to investigate Hoarded and Concealed Goods is the first committee of investigation ever appointed by the Japanese Diet From the outset, therefore, this Committee had to pave its way onward in the face of numerous difficulties

The public is certainly entitled to believe that the Committee is morally responsible for investigating postwar frauds and the illegal concealment of goods Actually, however, the Committee lacks authority to carry out this responsibility The Committee is very strongly of the opinion that it cannot be expected to assume responsibility unless it has first been granted adequate authority If the new Constitution is to be an effective instrument, the legislative branch must necessarily define its authority clearly and operate within the limitations thus set forth

At the very beginning of the investigation it became clear that there existed conflicting opinions on the Committee's proper function At the Committee's second session, a lively debate took place when Kyuichi Tokuda suggested the investigation of Prince Higashikuni for his part in ordering the armed forces to surrender military supplies in their possession to civilians without com-

into regular routes and not call the Government to account On the other hand, there were those who believed the Committee could not possibly fulfill its proper

bureaucrats for profits accruing from hoarded stockpiles Observers are of the opinion that the case came to a head when party politicians attempted to get a lion s share of the huge profits which bureaucrats were garnering out of the sale of hoarded supplies The two groups came into frontal collision and the bureaucrats did all in their power to prevent the execution of Mr Seko's drive for unearthing hoarded caches "

Between July 25 and October 15, 1947, the Special Committee held 21 meetings during which it was in session 51 hours Two sub-committee meetings were also held In addition 17 Committee members made 6 field trips on which they travelled 1,450 kilometers All trips were taken at their own expense since no public funds have ever been appropriated for use of the Committee On these trips they investigated

1 The Naval Arsenal, Samukawa Machi, Kanegawa Prefecture
2 Tochigi Prefecture
3 Iwate Prefecture
4 Toyojoze, Shizuoka Prefecture
5 Tokyo Metropolitan area
    (a) Shimura Itabashi-ku, Ishida Alloy Works.
    (b) Suburb of Tashikawa—former Hitachi Aviation Factory
    (c) Chuo Ward—Warehouses of Textile Control Association.

During the course of the investigation this Committee has been convinced beyond any doubt that:

Firstly, vast quantities of goods formerly owned by the Japanese Army and Navy were disposed of to local authorities, businessmen and brokers and that the black markets have been flooded with these goods to the detriment of honest industrialists.

Secondly, the Committe is convinced that all attempts to channel these goods into legitimate production channels have been frustrated by a combination of fraud and legal barriers. Mr. Seko during his investigation could not obtain the collaboration of local authorities. It seems fairly clear that in many cases understandings exist between the holders of goods and local authorities; frequently local authorities appear to have connived in legalizing the transfer of such property to private individuals.

Thirdly, the Committee is convinced that present decrees and ordinances are too limited in scope; many articles on which the Government has a legitimate claim are not included on the list of hoarded goods and thus are free from investigation.

Fourthly, the Committee has received evidence showing that existing authority is scattered and ineffectual; at present authority to investigate hoarded goods is divided among the Ministry of Commerce and Industry, Ministry of Agriculture and Forestry and the Economic Stabilization Board. Internal bureaucratic friction prevents united action.

Fifthly, the Committee has been handicapped by the failure of the Diet to approve a Cabinet proposal which would give greater authority to the economic inspectors.

Sixthly, the Committee is distressed at the failure of responsible officials to have kept adequate records on the disposal of war goods under Allied direction. On August 13, 1947, former Finance Minister Tanzan Ishibashi testified before the Kato Committee:

"I am sure that it was in the accounts of November 15, 1946, that GHQ transferred ¥100,000,000,000, more or less, worth of goods to the Japanese Government. Of course, these were goods which GHQ had taken over from the old Japanese Army and Navy and they returned to the Japanese Government; but included among the goods were building materials and machinery amounting to several ten billion yen. The Government has received papers pertaining to this matter. I want to know their whereabouts. If a hundred billion yen worth of goods have been turned over to the Japanese Government, just where have they been turned over?

"I brought this matter up in a Cabinet meeting and investigated it. I had the Home Minister and other personnel report to me and had them investigate the case. But no such papers were found among the Government office data.

"Only about twenty or thirty million yen worth of material seemed to have passed through the hands of the Home Ministry and nobody knows where a hundred billion yen worth of stuff has gone to.

"I demanded that the whereabouts of these goods be uncovered, and after obtaining copies of the documents from GHQ, I instructed the President of the War Reconstruction Board to make copies of them. You can get the data if you ask Mr. Mikishi Abe, President of the War Reconstruction Board."

The Diet has been disappointed in its inability to obtain documents and other relevant information from the executive branch of the Government in the course of this investigation. Various minsiterial officials have appeared before the Committee to apologize for their failure to produce information which is essential to the inquiry. The Committee has submitted formal requests to the executive agencies for 19 reports covering various phases of the inquiry. Thus far only a trickle of this material has been made available to the Committee.

In response to repeated, though unofficial, recommendations that the Government take drastic measures for the exposure of postwar frauds, the Cabinet on September 14 appointed a committee of 20 members, half of whom were public officials and the other half private citizens. This Committee exists merely in an advisory capacity to the Government and has been of no assistance to the investigation conducted by the legislative branch.

Part IV. Conclusions and Recommendations

During the first 3 months of its investigation, the Kato Committee has reached the following conclusions:

1. The Suzuki Cabinet on August 14, 1945, acted in bad faith and did irreparable harm by ordering the secret disposal of Government property. The legality of that order is still in question and should be resolved by the courts or by the Diet itself. Other postwar Cabinets have not taken effective measures to recover the assets thus dissipated.

2. The disposal of war materials after the surrender was tainted with favoritism and shady deals. Private individuals have profited fabulously and have nourished the blackmarket.

3. Local government and police officials have both actively and passively interfered with investigations of hoarded and concealed goods and in some cases have conspired with holders of concealed goods to legalize fraudulent transactions. Even the so-called special goods returned to the Japanese Government by Allied authorities have been improperly distributed and no accounting has ever been rendered.

4. Some hoarders believe the Allied Occupation is nearly over so they withhold information on their concealed goods in the hope of escaping detection entirely. It is even possible that the secret disposal of military goods may have included arms and munitions which may still be in concealment.

5. Present legislation for uncovering concealed goods

is very inadequate

6 There should be no assumption or imposition of responsibility on either the legislative or the executive branch unless it is accompanied by a grant of adequate authority to fulfill the obligation thus incurred

7 A clear definition should be made between the responsibilities of the executive and legislative branches The National Diet in any investigation which it may undertake should confine itself to a purely investigatory function The responsibility for enforcing the laws should be placed squarely on the executive ministries The legislative branches should not hesitate to investi- [illegible] exist- law in such a way as to make it more workable and less subject to perversion or corruption

Appendix E 13

House of Representatives,
June 21, 1948

RESOLUTION ON THE CHARACTER OF THE SPECIAL COMMITTEE FOR IRREGULAR PROPERTY TRANSACTION INVESTIGATION

Whereas the Members of whom the Special Committee for Irregular Property Transaction Investigation is composed are possessed of special mission Be it resolved

1 That they should conscientiously carry out the management of the Committee with strict impartiality to any political party or transcendentally of all partisanship, and attend to thorough investigation with circumspection and speediness, contributing thereby to democratization of the Japanese people and purification of the political world, the bureaucratic world, and the financial world

2 That the change of a Committee Member should not arbitrarily be made for each political party's convenience, except in such a case as it is unavoidable in accordance with the Rules for House of the Representatives, and

3 That in order to requite the confidence of the people and according to the principle in which the Committee was originally set up this committee should achieve its mission

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Appendix F

STATEMENTS BY GENERAL MacARTHUR

STATEMENT TO SURRENDER DELEGATES ABOARD BATTLESHIP MISSOURI

2 September 1945.

We are gathered here, representatives of the major warring powers, to conclude a solemn agreement whereby Peace may be restored. The issues, involving divergent ideals and ideologies, have been determined on the battle fields of the world and hence are not for our discussion or debate. Nor is it for us here to meet, representing as we do a majority of the peoples of the Earth, in a spirit of distrust, malice or hatred. But rather it is for us, both victors and vanquished, to rise to that higher dignity which alone befits the sacred purposes we are about to serve, committing all of our peoples unreservedly to faithful compliance with the undertakings they are here formally to assume.

It is my earnest hope and indeed the hope of all mankind that from this solemn occasion a better world shall emerge out of the blood and carnage of the past—a world founded upon faith and understanding—a world dedicated to the dignity of man and the fulfillment of his most cherished wish—for freedom, tolerance, and justice.

The terms and conditions upon which surrender of the Japanese Imperial forces is here to be given and accepted are contained in the instrument of surrender now before you.

As Supreme Commander for the Allied Powers I announce it my firm purpose, in the tradition of the countries I represent, to proceed in the discharge of my responsibilities with justice and tolerance, while taking all necessary dispositions to insure that the terms of surrender are fully, promptly and faithfully complied with.

I now invite the representatives of the Emperor of Japan and the Japanese Government, and the Japanese Imperial General Headquarters to sign the instrument of surrender at the places indicated.

The Supreme Commander for the Allied Powers will now sign on behalf of all the Nations at war with Japan.

The representative of the United States of America will now sign.

The representative of the Republic of China will now sign.

The representative of the United Kingdom will now sign.

The representative of the Union of Soviet Socialist Republics will now sign.

The representative of Australia will now sign.

The representative of Canada will now sign.

The representative of France will now sign.

The representative of Netherlands will now sign.

The representative of New Zealand will now sign.

Let us pray that Peace be now restored to the world, and that God will preserve it always. These proceedings are closed.

MESSAGE TO AMERICAN PEOPLE CONCERNING THE SURRENDER

2 September 1945

My fellow Countrymen.

Today the guns are silent. A great tragedy has ended A great victory has been won The skies no longer rain death—the seas bear only commerce—men everywhere walk upright in the sunlight The entire world lies quietly at Peace. The Holy Mission has been completed And in reporting this to you, the people, I speak for the thousands of silent lips, forever stilled among the jungles and the beaches and in the deep waters of the Pacific which marked the way I speak for the un-named brave millions homeward bound to take up the challenge of that future which they did so much to salvage from the brink of disaster

As I look back on the long, tortuous trail from those grim days of Bataan and Corregidor, when an entire world lived in fear, when Democracy was on the defensive everywhere, when modern civilization trembled in the balance, I thank a merciful God that he has given us the faith, the courage and the power from which to mould victory. We have known the bitterness of defeat and the exultation of triumph, and from both we have learned there can be no turning back We must go forward to preserve in Peace what we won in War

A new era is upon us Even the lesson of Victory itself brings with it profound concern, both for our future security and the survival of civilization The destructiveness of the War potential, through progressive advances in scientific discovery, has in fact now reached a point which revises the traditional concept of War

Men since the beginning of time have sought peace Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations From the very start workable methods were found in so far as individual citizens were concerned but the mechanics of an instrumentality of larger international scope have never been successful Military alliances, balance of power, Leagues of Nations all in turn failed leaving the only path to be by way of the crucible of war The utter destructiveness of war now blots out this alternative We have had our last chance If we do not devise some greater and more [illegible]

science, art, literature, and all material and cultural developments of the past two thousand years It must be of the spirit if we are to save the flesh

We stand in Tokyo today reminiscent of our countryman Commodore Perry, ninety-two years ago His purpose was to bring to Japan an era of enlightenment and progress by lifting the veil of isolation to the friendship, trade, and commerce of the world But alas the knowledge thereby gained of Western science was forged into an instrument of oppression and human enslavement Freedom of expression, freedom of action, even freedom of thought were denied through suppression of liberal education, through appeal to superstition and through the application of force We are committed by the Potsdam Declaration of Principles to see that the Japanese people are liberated from this condition of slavery It is my purpose to implement this commitment just as rapidly as the armed forces are demobilized and other essential steps taken to neutralize the war potential The energy of the Japanese race, if properly directed, will enable expansion vertically rather than horizontally If the talents of the race are turned into constructive channels, the country can lift itself from its present deplorable state into a position of dignity

To the Pacific basin has come the vista of a new emancipated world Today, freedom is on the offensive, democracy is on the march Today, in Asia as well as in Europe, unshackled peoples are tasting the full sweetness of liberty, the relief from fear

In the Philippines, America has evolved a model for this new free world of Asia In the Philippines, America has demonstrated that peoples of the East and peoples of the West may walk side by side in mutual respect and with mutual benefit. The history of our sovereignty there has now the full confidence of the East.

And so, my fellow countrymen, today I report to you that your sons and daughters have served you well and faithfully with the calm, deliberate, determined fighting spirit of the American soldier and sailor based upon a tradition of historical truth, as against the fanaticism of an enemy supported only by mythological fiction. Their spiritual strength and power has brought us through to victory. They are homeward bound—take care of them.

Appendix F: 3

ORDER TO DISPLAY FLAG IN TOKYO

8 September 1945.

General Eichelberger:

Have our country's flag unfurled and in Tokyo's sun let it wave in its full glory as a symbol of hope for the oppressed and as a harbinger of victory for the right.

ANSWER TO "SOFT POLICY" CHARGE

14 September 1945

I have noticed some impatience in the press based upon the assumption of a so-called soft policy in Japan This can only arise from an erroneous concept of what is occurring.

The first phase of the occupation must of necessity be based upon military considerations which involve the deployment forward of our own troops and the disarming and demobilization of the enemy This is coupled with the paramount consideration of withdrawing our former prisoners of war and war internees from the internment camps and evacuating them to their homes Safety and security require that these steps shall proceed with precision and completeness lest calamity may be precipitated The military phase is proceeding in an entirely satisfactory way Over half of the enemy's force in Japan proper is now demobilized, and the entire program will be practically complete by the middle of October During this interval of time safety and complete security must be assured

When the first phase is completed the other phases as provided in the surrender terms will infallibly follow No one need have any doubt about the prompt, complete and entire fulfillment of the terms of surrender The process, however, takes time It is well understandable in the face of atrocities committed by the enemy that there should be impatience This natural impulse, however, should be tempered by the fact that security and military expediency still require an exercise of some restraint The surrender terms are not soft and they will not be applied in kid gloved fashion

Economically and industrially, as well as militarily, Japan is completely exhausted and depleted She is in a condition of utter collapse Her governmental structure is controlled completely by the occupation forces and is operating only to the extent necessary to insure such an orderly and controlled procedure as will prevent social chaos, disease, and starvation

The overall objectives for Japan have been clearly outlined in the surrender terms and will be accomplished in an orderly, concise and comprehensive way without delays beyond those imposed by the magnitude of the physical problems involved

It is extraordinarily difficult for me at times to exercise that degree of patience which is unquestionably demanded if the long time policies which have been decreed are to be successfully accomplished without repercussions which would be detrimental to the well being of the world but I am restraining myself to the best of my ability and am generally satisfied with the progress being made

STATEMENT CONCERNING THE REDUCTION OF OCCUPATION FORCES

17 September 1945.

The smooth progress of the occupation of Japan has enabled a drastic cut in the number of troops originally estimated for that purpose. The unknown quantity in the initial situation was the debatable question of whether a military government would have to be set up to run the country during early occupation. This might well have involved the employment of several million troops. The entire structure below the political plane, involving hundreds of thousands of people on the professional and lower levels, would have had to be reconstituted and replaced. This would have involved a force running into millions of our men, would have taken many years of additional time and untold billions of additional dollars. By utilizing the Japanese governmental structure to the extent necessary to prevent complete social disintegration, insure internal distribution, maintain labor and prevent calamitous disease or wholesale starvation, the purposes of the surrender terms can be accomplished with only a small fraction of the men, time and money originally projected. This solution involved grave initial risk but the successful penetration and subsequent progress of the operation now assures the success of the venture. Probably no greater gamble has been taken in history than the initial landings where our ground forces were outnumbered a thousand to one but the stakes were worth it. As a consequence of the saving in men the occupation forces originally believed essential are being drastically cut and troops will be returned to the United States as rapidly as ships can be made available. Within six months the occupational force, unless unforeseen factors arise, will probably number not more than two hundred thousand men, a size probably within the framework of our projected regular establishment and which will permit the complete demobilization of our citizen Pacific forces which have fought so long and so nobly through to victory. Once Japan is disarmed this force will be sufficiently strong to insure our will.

The questions involved in this matter are entirely independent of the future Japanese politics—governmental structure on a national and international plane. This problem is one the ultimate solution of which necessarily awaits the completion of the military phases of the surrender. It is one which unquestionably will be determined upon the highest diplomatic level of the United Nations and is one in which the answer cannot fail to be influenced by the incident of events in the near and proximate future.

STATEMENT TO THE JAPANESE GOVERNMENT CONCERNING REQUIRED REFORMS

11 October 1945

In the achievement of the Potsdam Declaration, the traditional social order under which the Japanese people for centuries have been subjugated will be corrected This will unquestionably involve a liberalization of the Constitution

The people must be freed from all forms of governmental secret inquisition into their daily lives which holds their minds in virtual slavery and from all forms of control which seek to suppress freedom of thought, freedom of speech or freedom of religion Regimentation of the masses under the guise or claim of efficiency, under whatever name of government it may be made, must cease

In the implementation of these requirements and to accomplish the purposes thereby intended, I expect you to institute the following reforms in the social order of Japan as rapidly as they can be assimilated

1 *The emancipation of the women of Japan through* their enfranchisement—that, being members of the body politic, they may bring to Japan a new concept of government directly subservient to the well being of the home

2 The encouragement of the unionization of Labor—that it may be clothed with such dignity as will permit it an influential voice in safeguarding the working man from exploitation and abuse and raising his living standard to a higher level, with the institution of such measures as may be necessary to correct the evils which now exist in child labor practices

3 The opening of the schools to more liberal education—that the people may shape their future progress from factual knowledge and benefit from an understanding of a system under which government becomes the servant rather than the master of the people

4 The abolition of systems which through secret inquisition and abuse have held the people in constant fear—substituting therefor a system of justice designed to afford the people protection against despotic, arbitrary and unjust methods

5 The democratization of Japanese economic institutions to the end that monopolistic industrial controls be revised through the development of methods which tend to insure a wide distribution of income and ownership of the means of production and trade

In the immediate administration field I hope for vigorous and prompt action on the part of the Government with reference to housing, feeding, and clothing the population in order to prevent pestilence, disease, starvation, or other major social catastrophe The coming winter will be critical and the only way to meet its difficulties is by the full employment in useful work of everyone

DEMOBILIZATION OF JAPANESE ARMED FORCES

16 October 194

Today the Japanese Armed Forces throughout Japan completed their demobilization and ceased to exist as such. These forces are now completely abolished. I know of no demobilization in history either in war or peace, by our own or by any other country, that has been accomplished so rapidly or so frictionlessly. Everything military, naval or air is forbidden to Japan. This ends its military might and its military influence in international affairs. It no longer reckons as a world power either large or small. Its path in the future, if it is to survive, must be confined to the ways of peace.

Approximately seven million armed men, including those in the outlying theaters, have laid down their weapons. In the accomplishment of the extraordinarily difficult and dangerous surrender in Japan, unique in the annals of history, not a shot was necessary, not a drop of Allied blood was shed. The vindication of the great decision of Potsdam is complete.

Nothing could exceed the abjectness, the humiliation and the finality of this surrender. It is not only physically thorough but has been equally destructive on Japanese spirit. From swagger and arrogance the former Japanese military have passed to servility and fear. They are thoroughly beaten and cowed and tremble before the terrible retribution the surrender terms impose upon their country in punishment for its great sins.

Again I wish to pay tribute to the magnificent conduct of our troops. With few exceptions they could well be taken as a model for all time as a conquering army. No historian in later years, when passions cool, can arraign their conduct. They could so easily—and understandably—have emulated the ruthlessness which their enemy freely practiced when conditions were reversed, but their perfect balance, between implacable firmness of duty on the one hand and resolute restraint from cruelness and brutalities on the other, has taught a lesson to the Japanese civil population that is startling in its impact. Nothing has so tended to impress Japanese thought—not even the catastrophic fact of military defeat itself. They have for the first time seen the free men's way of life in actual action and it has stunned them into new thoughts and new ideas. The revolution, or more properly speaking the evolution, which will restore the dignity and freedom of the common man, has begun. It will take much time and require great patience but, if public opinion will permit of these two essential factors, the world will be repaid. Herein lies the way to true and final peace.

The Japanese Army, contrary to some concepts that have been advanced, was thoroughly defeated before the surrender. The strategic maneuvering of the Allies had
so scattered and divided it, their thrusts had so im
bilized, disintegrated and split its units, it supply
transportation lines were so utterly destroyed, its equ
ment was so exhausted, its morale so shattered, that
early surrender became inevitable. Bastion after b
tion, considered by it as impregnable and barring
way, had been by-passed and rendered impotent
useless, while our tactical penetration and envel
ments resulted in piecemeal destruction of many isola
fragments. It was weak everywhere, forced to fi
where it stood, unable to render mutual support betw
its parts and presented a picture of collapse that was co
plete and absolute. The basic cause of the surrende
not to be attributed to an arbitrary decision of authori
It was inevitable because of the strategic and tact
circumstances forced upon it. The situation had beco
hopeless. It was merely a question of "when" with
troops poised for final invasion. This invasion wo
have been annihilating but might well have cost h
dreds of thousands of American lives.

The victory was a triumph for the concept of the co
plete integration of the three dimensions of war, grou
sea and air. By a thorough use of each arm in conju
tion with the corresponding utilization of the other tw
the enemy was reduced to a condition of helplessn
By largely avoiding methods involving a separate us
the services and by avoiding methods of frontal assa
as far as possible, our combined power forced colla
with relative light loss probably unparalleled in
campaigns in history. This latter fact indeed was
most inspiring and significant feature, the unpreceden
saving in American life. It is for this we have to
truly—thank God. Never was there a more intens
application of the principle of the strategic-tactical
ployment of limited forces as compared with the conc
of overwhelming forces.

Illustrating this concept, General Yamashita recen
stated in an interview in Manila, explaining reasons
his defeat, that "Diversity of Japanese command resul
in complete lack of cooperation and coordination
tween the services." He complained "that he was
in supreme command, that the air forces were run
Field Marshal Terauchi at Saigon and the fleet run
rectly from Tokyo," that he "only knew of the inten
naval strike at Leyte Gulf 5 days before it got un
way," and professed "ignorance of its details."

The great lesson for the future is that success in
Art of War depends upon a complete integration of
services. In unity will lie military strength. We c
not win with only backs and ends, and no line howe
strong can go alone. Victory will rest with the tea

Press Release:

C-IN-C WELCOMES VISIT OF THE FAR EASTERN ADVISORY COMMISSION

26 November 1945.

Having learned of the decision of the Far Eastern Advisory Commission to visit Japan in the near future, General MacArthur today issued the following statement

"The decision of the Far Eastern Advisory Commission to visit Japan in the near future causes me the greatest satisfaction Their advice and guidance in the complicated problems that confront me cannot fail to be of the greatest possible assistance and support. It will enable the Commission to see at first hand actual conditions as they exist

"Unfortunately there has been much of misinformation, at times resembling deliberate false propaganda, circulated throughout the world, even from high sources, which has tended to becloud not only the truth about the problems here but apparently has been designed to influence international opinions and international policies

"Nothing would please me more than to have this distinguished Commission ascertain by actual observation the facts as they exist, which the press and radio correspondents here have so earnestly and sincerely endeavored to report I hope the Commission will come as soon as possible and stay as long as may be necessary Its trip cannot fail to be completely advantageous in every respect "

Press Release.

GENERAL MacARTHUR'S STATEMENT ON CONTROL PLAN

30 December 1945.

General MacArthur tonight issued the following statement with reference to an Associated Press Washington dispatch dated December 30 stating that "General MacArthur saw and did not object to the new Japan Control Plan before it was approved at Moscow," and also that "General MacArthur was kept informed throughout the conference on matters dealing with Japan and Far Eastern affairs":

"The statement attributed to a Far Eastern Commission officer that I 'did not object to the new Japan Control Plan before it was approved at Moscow' is incorrect. On October 31 my final disagreement was contained in my radio to the Chief of Staff for the Secretary of State, advising that the terms 'in my opinion are not acceptable.' Since that time, my views have not been sought. Any impression which the statement might imply that I was consulted during the Moscow conference is also incorrect. I have no iota of responsibility for the decisions which were made there. I might add that whatever the merits or demerits of the plan, it is my firm intent within the authority entrusted to me, to try to make it work. The issues involved are too vital to the future of the world to have them bog down. With good will on the part of those concerned, it is my fervent hope that there will be no insuperable obstacles. As I said before, it is 'my full purpose to see it through.'"

Following the release of General MacArthur's statement, the Public Relations Officer, as spokesman for the Supreme Commander said:

"General MacArthur never received any information or communication whatsoever from the Moscow conference during the meeting and did not even know Japan was being discussed until he saw it announced in the daily press."

MESSAGE TO THE JAPANESE PEOPLE

To the People of Japan 27 December 1945

A new year has come With it, a new day dawns for Japan

No longer is the future to be settled by a few

The shackles of militarism, of feudalism, of regimentation of body and soul, have been removed

Thought control and the abuse of education are no more

All now enjoy religious freedom and the right of speech without undue restraint Free assembly is guaranteed

The removal of this national enslavement means freedom for the people, but at the same time it imposes upon them the individual duty to think and to act each on his own initiative It is necessary for the masses of Japan to awaken to the fact that they now have the power to govern and what is done must be done by themselves

It is my hope that the New Year may be the beginning for them of "the way, and the truth, and the light"

DOUGLAS MACARTHUR

Appendix F: 11 (See Appendix B: 3c)
Appendix F: 12 (See Appendix C: 10)
Appendix F: 13

STATEMENT TO ALLIED COUNCIL FOR JAPAN

5 April 1946.

Members of the Allied Council for Japan:

I welcome you with utmost cordiality in the earnest anticipation that, in keeping with the friendship which has long existed among the several peoples represented here, your deliberations throughout shall be governed by good will, mutual understanding, and broad tolerance. As the functions of the Council will be advisory and consultative, it will not divide the heavy administrative responsibility of the Supreme Commander as the sole executive authority for the Allied Powers in Japan, but it will make available to him the several viewpoints of its members on questions of policy and action. I hope it will prove to be a valuable factor in the future solution of many problems.

To assist the Council in the fulfillment of its objectives, instructions have been given that copies of all directives issued to the Japanese Government shall promptly be furnished it, together with such background information as may be appropriate to permit a full understanding thereof, or as the Council may specifically desire. Matters of substance will normally be laid before it prior to action. Any advice the Council as a whole or any of its individual members may believe would be helpful to the Supreme Commander will at all times be most welcome, and given the most thorough consideration. As my manifold other duties will not normally permit me to sit with the Council, I have designated a deputy to act as Chairman thereof. To promote full public confidence in its aims and purposes, it is advisable that all formal sessions be open to such of the public and press as existing facilities will accommodate. There is nothing in its deliberations to conceal even from the eyes and ears of our fallen adversary. Through such a practice of pure democracy in the discharge of its responsibilities, the world will know that the Council's deliberations lead to no secret devices, undertakings or commitments. The suspicion, the distrust, the hatred so often engendered by the veil of secrecy will thus be avoided—and in the undimmed light of public scrutiny we will therefore invite full confidence in the sincerity of our purposes and the rectitude of our aims. As Supreme Commander I can assure you that I entertain no fear that such an opportunity for public discussion will have the slightest adverse effect upon the discharge of my executive responsibilities.

The purposes of the occupation are now well advanced. Japanese forces on the home islands have been disarmed, demobilized, and returned to their homes, and in other respects the Japanese war machine has been neutralized. Dispositions have been taken to eliminate for all time the authority and influence of those who misled the people of Japan into embarking on world conquest, and to establish in Japan a new order of peace, security and justice; to secure for the Japanese people freedom of speech, religion, and thought, and respect for the fundamental human rights; to remove all obstacles to the strengthening of democratic tendencies among the Japanese people; and to readjust the Japanese industrial economy to produce for the Japanese people after reparations an equitable standard of life. All of these dispositions in implementation of principles outlined in the Potsdam Declaration have already been taken.

My policy in the administration of Japan for the Allied Powers has been to act as far as possible through existing instrumentalities of the Japanese Government. The soundness of this policy has been unmistakably reflected in the progress of the occupation. I have sought, while destroying Japan's war potential and exacting just penalties for past wrongs, to build a future for the people of Japan based upon considerations of realism and justice. Without yielding firmness, it has been my purpose to avoid oppressive or arbitrary action, and to infuse into the hearts of the Japanese people principles of liberty and right heretofore unknown to them. As success of the Allied occupational purposes is dependent upon leadership as well as upon direction—as only through the firm application of those very principles which we ourselves defended on the battlefield may we, as victors, become architects of a new Japan, a Japan reoriented to peace, security and justice—this policy shall continue to be the aim of my administration and should serve to guide the Council throughout its deliberations.

Were it otherwise—were we but to insure the thoroughness of Japan's defeat, then leave her prostrate in the ashes of total collapse—history would point to a task poorly done and but partially complete. It is equally for us now to guide her people to rededicate themselves to higher principles, ideals and purposes, to help them rise to the full measure of new and loftier standards of social and political morality—that they firmly may meet the challenge to future utility in the service of mankind. In the consummation of this high purpose, we, as victors in the administration of the vanquished, stand charged to proceed in that full unity of purpose which characterized our common effort in the war just won.

It is no small hindrance that in reaching this goal there are those throughout the Allied world who lift their voices in sharp and ill-conceived criticism of our occupational policies; some, honestly inspired but with no knowledge of conditions existing in this far distant land, who would see applied here wholly unadaptable principles and methods; some who, lacking both vision and patience, see but the end desired, being blind to the

means without which that end is impossible of achievement, some who opposed the guiding principles adopted at Potsdam and who, unwilling now to join in full unity of purpose, seek to foment dissatisfaction in others to the end that such principles be reshaped to their will, or [illegible]

reasons, are out of sympathy with Allied policies and aims, and seek to sabotage success of the occupation

To the peoples of the Allied world I would say, in answer to such criticism, that history has given us no precedent of success in a similar military occupation of a defeated nation—anywhere, at any time—to serve as a guide to assist in reshaping Japan to meet the aims to which we are here solemnly committed It thus has become necessary for us, in meeting that challenge of the past, to devise new guiding principles and new methods by which to solve the problems of the future To serve this purpose, a wise and far-seeking policy was formulated at Potsdam, fully attuned to the noble ideals, principles and standards in defense of which the Allied Nations firmly and in complete unity took their stand Through implementation of that policy lies best hope that the errors responsible for the failures of past occupations may be avoided in the task to which we are here no less inseparably dedicated The road ahead is not an easy one, but it is my firm purpose that, within the underlying precepts governing occupational policy, the objective be reached I fervently hope that each member of the council will exert his best effort in support of that purpose, eliminating insofar as possible misconceptions which but sow the seeds of disunity and serve the cause of failure

A new constitution has been evolved, patterned along liberal and democratic lines, which the Japanese Government intends to submit for consideration to the next incoming National Diet This proposed new constitution is being widely and freely discussed by the Japanese people who show a healthy disposition to subject all provisions thereof to critical public examination through the media of press and radio Regardless of changes in form and detail which may well result from this open forum of public debate and the ultimate consideration of the National Diet and the Allied Powers, if the underlying principles remain substantially the same when finally adopted, the instrument will provide the structure that will permit development in Japan of a democratic state, fully conforming to existing Allied policy If we are firmly to implement that policy, it is incumbent upon us to encourage and assist the Japanese people in reshaping their lives and institutions thereunder—scrupulously avoiding superficial and cynical criticism of motive or purpose and destructive influence upon their will to do just that which it is our firm purpose they shall do

While the drafting of an acceptable constitution does not of itself establish democracy, which is a thing largely of the spirit, it does provide the design for both structural and spiritual changes in the national life, without which so fundamental a reform would be utterly impossible With it there is hope for accomplishing that reshaping of national and individual character essential to form the strong foundation of popular support upon which a democratic state must rest It is yet too early to predict with any degree of certainty how deeply rooted the tenets embodied in such reform will become in the social and political life of Japan It is inescapably true, however, that the course thus charted to the fulfillment of Allied policy in the democratization of Japan is the only course that points to success—that the degree of that success will depend in large measure upon the patience and encouragement with which we ourselves are willing to endow the test

While all provisions of this proposed new constitution are of importance, and lead individually and collectively to the desired end as expressed at Potsdam, I desire especially to mention that provision dealing with the renunciation of war Such renunciation, while in some respects a logical sequence to the destruction of Japan s war-making potential, goes yet further in its surrender of the sovereign right of resort to arms in the international sphere Japan thereby proclaims her faith in a society of nations governed by just, tolerant and effective rules of universal social and political morality and entrusts its national integrity thereto The cynic may view such action as demonstrating but a childlike faith in a visionary ideal, but the realist will see in it far deeper significance He will understand that in the evolution of society it became necessary for man to surrender certain rights theretofore inherent in himself in order that states might be created vested with sovereign power over the individuals who collectively formed them—that foremost of these inherent rights thus surrendered to the body politic was man's right to resort to force in the settlement of disputes with his neighbor With the advance of society, groups or states federated together through the identical process of surrendering inherent rights and submitting to a sovereign power representing the collective will In such manner was formed the United States of America, through the renunciation of rights inherent in individual states in order to compose the national sovereignty, the State first recognized and stood guarantor for the integrity of the individual, and thereafter the nation recognized and stood guarantor for the integrity of the State

The proposal of the Japanese government—a government over people who now have reason to know the complete failure of war as an instrument of national policy—in effect but recognizes one further step in the

Appendix F: 11 (See Appendix B: 3c)
Appendix F: 12 (See Appendix C: 10)
Appendix F: 13

STATEMENT TO ALLIED COUNCIL FOR JAPAN

5 April 1946.

Members of the Allied Council for Japan:

I welcome you with utmost cordiality in the earnest anticipation that, in keeping with the friendship which has long existed among the several peoples represented here, your deliberations throughout shall be governed by good will, mutual understanding, and broad tolerance. As the functions of the Council will be advisory and consultative, it will not divide the heavy administrative responsibility of the Supreme Commander as the sole executive authority for the Allied Powers in Japan, but it will make available to him the several viewpoints of its members on questions of policy and action. I hope it will prove to be a valuable factor in the future solution of many problems.

To assist the Council in the fulfillment of its objectives, instructions have been given that copies of all directives issued to the Japanese Government shall promptly be furnished it, together with such background information as may be appropriate to permit a full understanding thereof, or as the Council may specifically desire. Matters of substance will normally be laid before it prior to action. Any advice the Council as a whole or any of its individual members may believe would be helpful to the Supreme Commander will at all times be most welcome, and given the most thorough consideration. As my manifold other duties will not normally permit me to sit with the Council, I have designated a deputy to act as Chairman thereof. To promote full public confidence in its aims and purposes, it is advisable that all formal sessions be open to such of the public and press as existing facilities will accommodate. There is nothing in its deliberations to conceal even from the eyes and ears of our fallen adversary. Through such a practice of pure democracy in the discharge of its responsibilities, the world will know that the Council's deliberations lead to no secret devices, undertakings or commitments. The suspicion, the distrust, the hatred so often engendered by the veil of secrecy will thus be avoided—and in the undimmed light of public scrutiny we will therefore invite full confidence in the sincerity of our purposes and the rectitude of our aims. As Supreme Commander I can assure you that I entertain no fear that such an opportunity for public discussion will have the slightest adverse effect upon the discharge of my executive responsibilities.

The purposes of the occupation are now well advanced. Japanese forces on the home islands have been disarmed, demobilized, and returned to their homes, and in other respects the Japanese war machine has been neutralized. Dispositions have been taken to eliminate for all time the authority and influence of those who misled the people of Japan into embarking on world conquest, and to establish in Japan a new order of peace, security and justice; to secure for the Japanese people freedom of speech, religion, and thought, and respect for the fundamental human rights; to remove all obstacles to the strengthening of democratic tendencies among the Japanese people; and to readjust the Japanese industrial economy to produce for the Japanese people after reparations an equitable standard of life. All of these dispositions in implementation of principles outlined in the Potsdam Declaration have already been taken.

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It is no small hindrance that in reaching this goal there are those throughout the Allied world who lift their voices in sharp and ill-conceived criticism of our occupational policies; some, honestly inspired but with no knowledge of conditions existing in this far distant land, who would see applied here wholly unadaptable principles and methods; some who, lacking both vision and patience, see but the end desired, being blind to the

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To the peoples of the Allied [illegible] I would [illegible] answer to such comment [illegible] precedent of success in a similar [illegible] of a defeated nation— [illegible]

[illegible]

evolution of mankind, under which nations would develop, for mutual protection against war, a yet higher law of international social and political morality.

Whether the world is yet ready for so forward a step in the relations between nations, or whether another and totally destructive war—a war involving almost mass extermination—must first be waged, is the great issue which now confronts all peoples.

There can be no doubt that both the progress and survival of civilization is dependent upon the timely recognition of the imperative need for some such forward step—is dependent upon the realization by all nations of the utter futility of force as an arbiter of international issues—is dependent upon elimination from international relations of the suspicion, distrust, and hatred which inevitably result from power threats, boundary violations, secret maneuvering, and violence to public morality—is dependent upon a world leadership which does not lack the moral courage to implement the will of the masses who abhor war and upon whom falls the main weight of war's frightful carnage—and finally is dependent upon the development of a world order which will permit a nation such as Japan safely to entrust its national integrity to just such a higher law to which all peoples on earth shall have rendered themselves subservient. Therein lies the road to lasting peace.

I therefore commend Japan's proposal for the renunciation of war to the thoughtful consideration of all of the peoples of the world. It points the way—the only way. The United Nations Organization, admirable as is its purpose, great and noble as are its aims, can only survive to achieve that purpose and those aims if it accomplishes as to all nations just what Japan proposes unilaterally to accomplish through this constitution—abolish war as a sovereign right. Such a renunciation must be simultaneous and universal. It must be all or none. It must be effected by action—not words alone—and open, undisguised action which invites the confidence of all men who would serve the cause of peace. The present instrumentality to enforce its will—the pooled armed might of its component nations—can at best be but a temporary expedient so long as nations still recognize as coexistent the sovereign right of belligerency.

No thoughtful man will fail to recognize that with the development of modern science another war may blast mankind to perdition—but still we hesitate—still we cannot, despite the yawning abyss at our feet, unshackle ourselves from the past. Therein lies the childlike faith in the future—a faith that, as in the past, the world can somehow manage to survive yet another universal conflict. In that irresponsible faith lies civilization's gravest peril.

We sit here in council, representatives of the military might and moral strength of the modern world. It is our responsibility and our purpose to consolidate and strengthen the peace won at the staggering cost of war. As we thus deal in the international sphere with some of the decisive problems I have but briefly outlined, it is incumbent upon us to proceed on so high a level of universal service that we may do our full part toward restoring the rule of reason to international thought and action. Thereby may we further universal adherence to that higher law in the preservation of peace which finds full and unqualified approval in the enlightened conscience of all of the peoples of the earth.

REPORT OF JAPAN'S FOOD SITUATION FOR HERBERT HOOVER

6 May 1946.

Press Release.

(The following is a summary of the Japanese food situation presented by the Supreme Commander Allied Powers to Mr. Herbert Hoover, Chairman of the Famine Emergency Committee)

The Japanese food position in 1946 is the worst in some 30-odd years The magnitude of food deficit is unprecedented in Japanese history because of two factors (1) Losses due to serious typhoons and floods in mid-September 1945 and (2) the cumulative devitalization of Japanese soil resulting from approximately five years of exceedingly low commercial fertilizer applications Reduction in 1945 crop yields has resulted in a harvest about 27 per cent below 1944

The Japanese food position is further aggravated by (1) the disrupted Japanese economy with attendant [illegible] and (3) absence of consumers' goods as an incentive for farmers to market their crops, (4) great uncertainty concerning future Japanese business, (5) enormous devastation caused by war with consequent shortage in building materials, fabricated products and transportation, (6) [illegible] per day for the non-self supplying part of the population for the period May–September 1946 in the absence of food imports, according to SCAP estimates This would not be enough to maintain life and mass starvation would be inevitable among those unable to supplement this level

The original SCAP Import program called for 3,700,000 tons of food of which 2,700,000 were cereals in order to provide 1550 calories for the urban population—the minimum needed to maintain workers in jobs involving only limited physical exertion and far below that required in heavy industry In consultation with Department of Agriculture officials and the Food Survey Board, the above minimum figure was scaled down to 600,000 tons as an emergency interim program to be delivered by July 1 and further requests were to be made for the latter half of the year.

Currently we are expending every effort to secure the above commitment and further shipments in the second half of 1946 Delivery of 600,000 tons will make possible only about 900 calories for non-self-suppliers for the next five months and will not ensure against mass starvation and civil disturbance

SCAP is convinced that the mass starvation in prospect in Japan in the event that adequate imports are not secured will make it impossible to achieve the major objectives of the occupation with a consequent incalculable effect upon the Allies, not only in the Far East but the world over Particularly is this true since Japan can only be considered a vast concentration camp under the control of the Allies and foreclosed from all avenues of commerce and trade SCAP is not advocating the slightest element of preferential treatment for the Japanese civil population, what is requested are only those quantities of food required to achieve the objectives of the occupation.

WARNING AGAINST MOB DISORDER OR VIOLENCE

20 May 1946.

I find it necessary to caution the Japanese people that the growing tendency towards mass violence and physical processes of intimidation, under organized leadership, present a grave menace to the future development of Japan. While every possible rational freedom of democratic method has been permitted and will be permitted in the evolution now proceeding in the transformation from a feudalistic and military state to one of democratic process, the physical violence which undisciplined elements are now beginning to practice will not be permitted to continue. They constitute a menace not only to orderly government but to the basic purposes and security of the occupation itself. If minor elements of Japanese society are unable to exercise such self-restraint and self-respect as the situation and conditions require, I shall be forced to take the necessary steps to control and remedy such a deplorable situation. I am sure the great mass of the people condemn such excesses by disorderly minorities, and it is my sincere hope that the sane views of this predominate public opinion will exert sufficient influence to make it unnecessary to intervene.

SCAP'S DENIAL OF FRICTION WITH FEC

14 June 1946

Press Release.

When asked today to comment upon news dispatches which have appeared recently predicting friction between the Far Eastern Commission and the Supreme Commander, General MacArthur deprecated any such possibility. "The two agencies," he said, "have separate and independent functions—one of policy making and the other of executive administration—with coordination between the two the responsibility of the American Government itself They have a common purpose which is to carry out the terms of the Potsdam Declaration Under these circumstances it is difficult to visualize any serious disagreements As far as I know the personnel relationship is a completely cordial, candid, and cooperative one, and I do not anticipate any change therein "

WOMEN OF JAPAN LAUDED

21 June 1946.

Press Release:

"Women of Japan are responding magnificently to the challenge of democracy; their record of participation in the general election on 10 April sets an example for the world," declared General Douglas MacArthur in an informal meeting with the 39 women members of the Diet at 1800 last night.

The conference was held in the Supreme Commander's office at General Headquarters in compliance with the expressed wish of the women legislators to meet General MacArthur and to discuss with him current problems confronting the Japanese people.

"Japanese women are displaying an increasing interest in political, social, and economic affairs which exceeds the most hopeful anticipation of political observers. It attests to the powerful appeal of the democratic idea and to the enthusiasm with which Japanese women are discarding the age-old bonds of convention which have so long denied them the fundamental democratic right to participate in communal affairs beyond the home," General MacArthur told them.

"Moreover, the women of Japan have clearly demonstrated their capacity fully to meet the challenge to such higher responsibility," he said.

He noted as one of the momentous currents in civilization the gradual but certain increase in women's influence in the community. "This has been done without sacrifice of the important position of women in the home and has demonstrated clearly their capacity for intellectual achievement and civil responsibility, which has been and will continue to be a vital influence upon all public affairs."

In discussing their position in the Diet, General MacArthur expressed confidence that the women present would exert a profound influence upon the legislative process in Japan by contributing to in both stability and wisdom. But he strongly cautioned the women against the temptation to form a women's bloc to influence legislation. He urged that they take their "places in the legislative structure prepared to meet men on the floor in complete equality, giving particular attention to the vital issues confronting the nation and accepting a full share of responsibility for their solution."

"At no time in history has Japan stood more in need of broad vision, independent judgment, and true patriotism on the part of her elected representatives and other public servants," General MacArthur continued. "I have complete confidence that you women, who must have felt the sacrifice and bitterness of war most poignantly, will have the courage and the will to work with exemplary devotion for the common welfare of the Japanese people," he concluded.

The following is a statement to General MacArthur, read by Mrs. Shizue Kato on behalf of women Diet members last night:

"We the women members of the Japanese Diet feel this is a great honor and pleasure to have the opportunity of meeting your Excellency and express our gratitude for your noble effort to bring Democracy to this country.

"We thank you very much for granting us suffrage and educating us as to the use of it to establish democracy in Japan. Japanese women, though they are suffering from a hard life, are looking forward to their future with a serene hope, since the rights of voting have given to them and they know they can express themselves in public matters. We Japanese women will never vote for the militarists.

"Now the Diet has opened its session, and all the women members have agreed that we should try our best to study the draft for our new constitution, and we shall particularly emphasize the article for the permanent abolishment of war. We certainly shall stand for peace; we shall never have war again; Then secondly, we are ready to work for various legislation protecting women and children. However, we are sure that all our efforts shall be stressed to eliminate feudalistic family systems. In this we are united. We also believe civil liberties must be safeguarded.

"Now, His Excellency. Women, as you know, are a clever kind of creature in every country. Japanese women are not the exception, We have brought greedy petitions to get your favor on the following point:

"We should like to ask your favor for importing more wheat and soya beans for our people and milk for the babies. We are fully aware that the amount of food we have already been allowed to import has been secured only through your special consideration, however, our daily concern with food has made us forget our traditional training and not to say we're hungry in the presence of an honorable person. We are all hungry in Japan now.

"Thank you very much General for your generosity and patience in hearing us."

Appendix F 18 (See Appendix C 13)
Appendix F 19

COMMENT ON PROPOSED RURAL LAND REFORM PROPOSALS

14 August 1946

General MacArthur today gave his approval to the rural land reform program drafted by the Japanese Cabinet which would provide the majority of the tenant farmers of Japan with an opportunity to own the lands they cultivate

General MacArthur complimented the Cabinet on its courage and determination to eliminate feudal landlordism from Japanese agriculture and expressed his belief that the Cabinet proposals will free the tenant farmers from the exploitation of the traditional Japanese landlord system

The statement issued by MacArthur today was in striking contrast to the sharp dissatisfaction he had previously expressed with the land reform program passed by the Japanese Diet last December and submitted to SCAP on March 15, 1946 in compliance with the rural land reform directive of December 9, 1945

Today's announcement by General MacArthur stated

"I have studied with satisfaction the measures for rural land reform adopted by the Cabinet After so many dismal failures in the past to alleviate the long standing poverty and insecurity of the farmers of Japan, it is gratifying that the present government has shown the courage and determination to strike at the roots of an archaic landlord system I am convinced that these measures which the Cabinet has drafted and approved will finally and surely tear from the soils of the Japanese countryside the blight of feudal landlordism which has fed on the unrewarded toil of millions of Japanese farmers To this program for the future stability and welfare of Japan I give my endorsement The program as finally approved should be acceptable to the most liberal minded advocate of rural land reform "

According to official estimates, almost two million tenant-farmers of Japan will be enabled to purchase the lands they cultivate under the Cabinet proposals The amount of tenant-cultivated land which an individual

held by owners who live outside the community where their land is located would be subject to compulsory sale Restrictions would also be imposed on the right of farmers to operate more than three cho, as an average, in Honshu, Kyushu, and Shikoku and 12 cho in Hokkaido

For those who would remain as tenants the bill provides legal safeguards to prevent arbitrary evictions by landlords It also continues the present cash rental regulations but adds a further provision that those cash rentals will never be allowed to exceed 25 per cent of the value of the crop on paddy lands and 15 per cent of the value of the crop on upland fields in case of a future fall in farm prices

For the land subject to sale the bill provides that land would be purchased by the government from the landlords at an average rate of ¥757 60 per tan (0 245 acres) for paddy land and ¥464 98 per tan of upland fields In addition, every landlord who is required to sell land under the provisions of this bill, would receive a subsidy from the government In Honshu, Kyushu, and Shikoku this subsidy would be limited to an amount of land not exceeding three cho, and in Hokkaido this subsidy would be limited to an amount of land not exceeding 12 cho The amount of the subsidy to be paid by the government would average ¥220 per tan of paddy field and ¥130 per tan of dry field

The bill further provides that the tenants who purchase land from the government would pay at an average rate of ¥757 60 per tan (0 245 acres) for paddy land and ¥464 98 per tan for upland fields Tenants would be allowed to pay for the land they purchase in annual installments over a period of 30 years at a rate of interest of 3 2 per cent They would, however, be allowed to pay the total amount in one or a few installments if financially able

The proposed procedure for accomplishing the program is through direct purchase of the lands from landowners by the government for re-sale to the tenants Rural land commissions would be established in each village, town, and city, to determine the land subject to sale in accordance with the plan and would supervise the actual transfer from present landowners to tenants These commissions would consist of equal numbers of landowners and tenants to be elected, and additional members to be selected by agreement of those elected

Two years is fixed by the bill as the time in which the

SUMMARY OF ACHIEVEMENTS DURING THE FIRST YEAR OF OCCUPATION

28 August 1946.

First and above all else, the gigantic military machine of the Japanese Empire has been completely destroyed. Its fighting power had been temporarily nullified in the war, but a tremendous military organization, manned by millions, still remained at the time of the surrender. Its liquidation required the disarming, demobilization and disposition of approximately four million organized and armed men in the home islands and two and one half million abroad. In addition, it was necessary to retrieve from overseas approximately two million civilians, and to repatriate to their homelands from Japan a further million of allied nationals. Within the early weeks of the occupation, those in the home islands were disbanded and returned to peaceful pursuits. And today, after a single year, the last remnants of the overseas forces, scattered over thousands of miles, are streaming home and the work of repatriation is drawing to a close. Nine million have been processed in this time. For magnitude, thoroughness, speed and precision, this has constituted a demobilization and repatriation which has no precedent in history.

To further insure the destruction of Japan's war-making power, thousands of military and civil aircraft and millions of weapons of various calibers, with vast quantities of ammunition, have been seized and disposed of; remnants of the Japanese navy have been taken over and are being destroyed or held for allied division; and every element of Japanese industry utilized for, or capable of adjustments to, the making of implements of war has been either destroyed or brought under our complete control. Thus from a material standpoint also, Japan's war-making power and potential is ended.

Rapid and effective strides have been made in reshaping the Japanese Government to conform to the principles inherent in a democratic state so that the people might readjust their lives to compose a truly democratic society. A new constitution has been evolved from many months of widespread public interest and unrestricted debate which, submitted to the people by the Emperor and Government of Japan, is now in the process of democratic legislative action toward adoption or amendment. Designed effectively to curb abuse of power by individual, class or government, it places sovereignty squarely in the hands of the people upon whom it bestows the full measure of human freedom. The masses here are no longer regimented—no longer enslaved. The Japanese citizen no longer cringes in the presence of police or other public authority; his home has become his castle, free from unwarranted intrusion, observation or violence; he registers his opinion on public issues, uncontrolled except by his own conscience; he enjoys the right of assembly and petition; he worships as he chooses, in accordance with his individual religious faith; he enjoys the untrammelled right, individually or collectively with his fellow workers, to demand correction of unjust labor practices and conditions; and Japanese children, eighteen million of whom are presently enrolled, enjoy the right to liberal and free education in forty thousand public schools, now open and dedicated to the study of the arts and sciences and the historical truth and the development of enlightened thought.

Electoral discrimination has been removed, and its base expanded by reducing the age limit from twenty-five years to nineteen and enfranchizing the women of Japan. The general election held on April 10th last was a vivid demonstration of democracy on the march. A far greater number of those eligible to vote participated in this election than in any other election in Japanese history. The women of Japan took their newly gained franchise as a serious obligation, sharply broke from their traditional retirement within the family circle, and elected through this, their own revolution, thirty-nine women members of the House of Representatives—an accomplishment without precedent in political history.

Reform has been instituted in every element and echelon of the governmental structure and in every phase of governmental administrative procedure, to root out existing evils of entrenched bureaucracy which inevitably lead to totalitarian controls. Those who in past preached the doctrine of militarism, expansionism and intense nationalism, and shaped the policies responsible for Japan's collapse, have been purged and barred from governmental service to afford the people a new leadership.

To dislodge the economic hold which certain vested interests have long had over Japanese economy, the corporate and personal resources of the fourteen major families including the four big Zaibatsu groups, with the approximately 1,200 firms linked in this system, are being liquidated. All principal officers and influential members of this industrial empire are being ousted. Thus the economic strangle-hold upon the people in restriction of free enterprise, made possible by close alliance between government and concentrated wealth, is being inexorably broken.

Striking at the roots of feudalism, an agrarian reform program, now under way, will enable about two million tenant farmers of Japan to purchase the lands they now work. Shaped to break down the large land holdings into two and one half to ten acre parcels, with their disposal provided for under conditions which will permit their ready acquisition, this program will correct one of the notorious evils which has long plagued individual

economy and held in serfdom the under-privileged agricultural workers of Japan.

The task is by no means complete, but a decisive advance toward the achievement of our major objectives has been made

STATEMENT FIRST ANNIVERSARY OF SURRENDER

2 September 1946.

A year has now passed since the surrender terms were signed on the battleship "Missouri." Much has been accomplished since then—much still remains to be done. But over all things and all men in this sphere of the universe hangs the dread uncertainty arising from impinging ideologies which now stir mankind. For our homeland there is no question, and for the homelands of others, free as are we to shape their own political order, there is no question. But which concept will prevail over those lands now being redesigned in the aftermath of war? This is the great issue which confronts our task in the problem of Japan—a problem which profoundly affects the destiny of all men and the future course of all civilization.

The philosophy underlying the first year of occupation was written at Potsdam and reaffirmed on the "Missouri." It is a simple philosophy embodying principles of right and justice and decency—those social qualities in human relationship which through the ages have animated free men and those who longed to be free. Its impact and its lasting imprint upon the Japanese character and conscience and mind can only properly be visualized and assayed by an understanding of the Japanese philosophy evolved through generations of feudalistic life.

For centuries the Japanese people, unlike their neighbors in the Pacific basin—the Chinese, the Malayans, the Indians and the Whites—have been students and idolators of the art of war and the warrior caste. They were the natural warriors of the Pacific. Unbroken victory for Japanese arms convinced them of their invincibility, and the keystone of the entire arch of their civilization became an almost mythological belief in the strength and wisdom of the warrior caste. It permeated and controlled not only all branches of government but all branches of life—physical, mental and spiritual. It was interwoven not only into all government process but into all phases of daily routine. It was not only the essence but the actual warp and woof of Japanese existence. Control was exercised by a feudalistic overlordship of a mere fraction of the population, while the remaining seventy million, with a few enlightened exceptions, were abject slaves to tradition, legend, mythology, and regimentation. During the progress of the war, these seventy million heard of nothing but Japanese victories and the bestial qualities of Japan's opponents. Then they suddenly felt the concentrated shock of total defeat. Their whole world crumbled. It was not merely an overthrow of their military might, not merely a great defeat for their nation—it was the collapse of a faith, it was the disintegration of everything they had believed in and lived by and thought for. It left a complete vacuum morally, mentally and physically. And into this vacuum flowed the democratic way of life. The American combat soldier came with his fine sense of self-respect, self-confidence, and self-control. They saw and felt his spiritual quality—a spiritual quality which truly reflected the highest training of the American home. The falseness of their former teachings, the failure of their former leadership, and the tragedy of their past faith were infallibly demonstrated in actuality and realism. A spiritual revolution ensued which almost overnight tore asunder a theory and practice of life built upon two thousand years of history and tradition and legend. Idolatry for their feudalistic masters and the warriors caste was transformed into hatred and contempt, and the hatred and contempt once felt for their foe gave way to honor and respect. This revolution of the spirit among the Japanese people represents no thin veneer to serve the purposes of the present. It represents an unparalleled convulsion in the social history of the world. The measure of its strength and durability lies in the fact that it represents a sound idea. Given encouragement and the opportunity to develop, it can become more deep-seated and lasting than the foundations upon which their false faith was built.

It represents, above all else, the most significant gain during the past year of occupation—a gain for the forces of democracy in furtherance of a durable peace, which must be consolidated and extended if we would discharge our responsibility as victory has given us that responsibility. Its underlying concept, new to Japan but fashioned from the enlightened knowledge and experience of the free of the world, will remain the cornerstone to Japanese freedom unless uprooted and suppressed by the inroads of some conflicting ideology which might negate individual freedom, destroy individual initiative and mock individual dignity. Ideologies of extreme too often gain converts and support from true liberals, misguided by slanted propaganda and catch phrases which hold as "reactionary" all things which spring from the underlying concept of the past. Such propaganda seeks too often to exploit the knowledge common to all men that sociological and political changes from time to time are mandatory if we would keep our social system abreast of the advance of civilization.

Should such a clash of ideologies impinge more directly upon the reorientation of Japanese life and thought, it would be no slight disadvantage to those who seek, as intended at Potsdam, the great middle course of moderate democracy, that a people so long regimented under the philosophy of an extreme conservative right might prove easy prey to those seeking to impose a doctrine leading again to regimentation, under the philosophy of an extreme radical left.

If we would in the furtherance of this task guide the

Japanese people the more firmly to reshape their lives and institutions in conformity with those social precepts and political standards best calculated to raise the well-being of the individual and to foster and preserve a peaceful society, we must adhere unerringly to the course now charted—destroying here what yet should be destroyed, preserving here what should be preserved, and erecting here what should be erected This will require all of the patience, all of the determination, and all of the statesmanship of democratic peoples The goal is great—for the strategic position of these Japanese islands render them either a powerful bulwark for peace or a dangerous spring-board for war

STATEMENT ON THE DIET'S PASSAGE OF LOCAL GOVERNMENT REFORMS

20 September 1946.

The Diet's approval of local government reform legislation strikes the bonds which have prevented full emergence of the nation's democratic forces and prepares the way for eventual full realization of the most lofty ideals of a democratic society.

Democracy cannot be imposed upon a nation. It is a thing of the spirit which, to be lasting and durable must impregnate the very roots of society. It is not to be instilled from above. It must have its origins in the understanding and faith of the common people. It must swell up from the people's will to be free, from their desire, and determination to govern their own local affairs without domination by individual strongmen, by minority pressure groups or by entrenched bureaucracy.

It is essential therefore that the people in every prefecture, city and village be given complete opportunity to express their will, and by assuming full responsibility to learn procedures of democratic government. Such direct participation in local government will profoundly influence the shaping of national policies—will provide a check rein against arbitrary governmental controls and a safeguard to individual freedom. While it leaves much yet to be done in the reshaping of Japan to conform to the pattern of a democratic state, it is a further progressive step, by Japanese initiative, toward placing the sovereign power in the hands of the people.

It is axiomatic that such experience in government will develop the dynamic and enlightened leadership and initiative essential to the vigorous and progressive building of a democratic nation.

Note: Four laws were passed by the Diet on September 20, 1946. They were: Law concerning the Organization of Urban or Rural Prefectures, Bill for Amendment of the Law for the Organization of Cities, Bill for Amendment of the Law for the Organization of Towns and Villages, and Bill for Amendment of the Law for the Organization of Tokyo Metropolis. This legislation provided a basis for a far-reaching program to decentralize the Japanese Government.

SCAP STATEMENT ON LÈSE MAJESTÉ CASE

October 9, 1946

(The Tokyo Procurator's Office announced on October 9, 1946 its decision to dismiss lèse majesté charges against five individuals including the editor of the Communist Party organ *Akahata* The decision was commended by the Supreme Commander in the following statement)

"The decision of the Japanese procurators to drop accusations against men charged with lèse majesté is a noteworthy application of the fundamental concept, embodied in the new constitution just adopted by the National Diet, that all men are equal before the law, that no individual in Japan—not even the Emperor—shall be clothed in legal protection denied the common man It marks the beginning of a true understanding of the lofty spirit of the new national charter, which affirms the dignity of all men, and secures to all the right freely to discuss all issues, political, social, and economic, of concern to the people of a democratic nation For, the free interchange of ideas, the free expression of opinions, the free criticism of officials and institutions is essential to the continued life and growth of popular government Democracy is vital and dynamic but cannot survive unless all citizens are free thus to speak their minds

"Such action, moreover, emphasizes the fact that from this land broken and ravaged by war, there is emerging a free people and a free nation As the Emperor becomes under this new constitution the symbol of the state with neither inherent political power nor authority, the Japanese men and women are raised to a new status of political dignity and, in fact, will become the rulers of Japan

"In his new role the Emperor will symbolize the repository of state authority—the citizen The dignity of the state will become the dignity of the individual citizen, and the protection accorded him as the symbol of the state ought to be no more and no less than the protection accorded the citizen To hold the contrary would constitute a direct negation of one of the basic principles of democratic government It would but serve to perpetuate the pattern of feudalism and autocracy and do violence to those basic freedoms acknowledged by Japan and to which the Emperor himself has given most hearty accord

"It should be needless to point out that it is for an enlightened public opinion to exert its great moral influence to the end that this right freely to criticize be exercised with decorum and restraint—that all public officials be protected against unwarranted defamation or vilifications in licentious disregard of the respect to which they as free individuals in a free society and as the public representatives of a free people are fully entitled "

ON DIET PASSAGE OF THE LAND REFORM BILL

11 October 1946.

The Diet's passage of the Land Reform Bill is one of the most important milestones yet reached by Japan in the creation of an economically stable and politically democratic society. It marks the beginning of the end of an outmoded agricultural system that has persisted from time immemorial. If its letter and spirit are faithfully carried out, Japanese farmers will find in it their long awaited Bill of Rights.

Its provisions, its approval by an overwhelming majority of the Diet, and the stated intention of the Japanese Government to carry out this program within two years—all bear witness to a courageous treatment of a problem tremendous in scope and most difficult of solution. While technical imperfections are inevitable in a law of such magnitude, they are not basic to the success of the program. Its real and ultimate value now rests with the Japanese people.

While this action of the Diet follows somewhat the pattern generally envisaged in the search for agrarian reform, it penetrates far deeper to root out existing evils than has yet before been attempted in most lands. It thereby at once crystalizes an advanced concept in the liberal treatment of this social evil which throughout history has plagued mankind. For it, Japan may be credited with a contribution which should profoundly and beneficially influence the course of human society. By it, there will be here established the basic policy those who till the land shall reap the profit from their toil. There can be no firmer foundation for a sound and moderate democracy and no firmer bulwark against the pressure of any extreme philosophy.

Appendix F 25 (See Appendix C· 19)
Appendix F. 26

NEW YEAR'S GREETING TO THE JAPANESE PEOPLE

31 December 1946

To the People of Japan

As we again bring one year to a close and enter upon the complexities of another, it is well that we calmly and carefully assay the past that we may therefore realistically pattern the future For it is only by the fruits of experience with its successes and its failures, its strong points and its weak, its good and its bad, that we may reorient ourselves toward that objective for which we have heretofore embarked

In the year just past, none will fail to concede major advances toward the development of a social system in Japan designed along most progressive and liberal lines and resting upon that basic concept which seeks equality of opportunity and the maximum of human freedom, while elevating the dignity and the well-being and the happiness of the individual

It has been a year of legislated reform, hardly surpassed in a comparable period during the evolution of civilized society, which has established the framework to popular government and, crashing through the barriers of tradition, prejudice and oppressive controls, has provided the Japanese people with the right and the opportunity to live in the full dignity of self-respect as free men

It is for the historian of the future to judge just how fully the Japanese people avail themselves of this right and this opportunity which has come to them in the wake of the blood sacrifice of countless thousands of Japan's sons For it is not enough that this right and opportunity be bestowed It must be fully understood, deeply cherished and resolutely preserved if that which is now written is to be transformed into meaningful and vital actuality—if from the bitterness and tragedy of Japan's past and present are to spring those strong roots of individual liberty upon which a future free society must rest

Much has been accomplished, much yet remains to be done There have been many successes, some failures, many strong points, some weak, much good, some bad. The great majority of Japan's leaders have displayed an exemplary approach to the realism of Japan's problems—an even greater majority of Japan s people resolutely have sought to remove the causes of Japan's ill-fated past and faithfully to build for Japan's happier future

During this time, I have not been unmindful of these cross-currents of decision and indecision, of progress and retrogression, of steps both faltering and resolute, as the forces of liberalism and reaction have fought to establish a common ground for Japan's salvation And I have confined my major effort to charting the course envisaged at hostilities and by both of our warring peoples, that would destroy entrenched totalitarian controls and raise the individual Japanese citizen to exert a dominant influence over his own destiny For once the citizen has acquired the power of self-determination, limited only by rational convention and individual conscience, he may be counted upon firmly to preserve that power and to apply it fearlessly and intelligently, both for his own benefit and the common benefit of all

Results in the year to come will have a profound bearing upon the well-being of the people of Japan during the generations which are to follow For therein only can be brought to fruition those great reforms which are now just charted The new constitution will take effect, placing all sovereign power in the hands of the people upon whom simultaneously will be conferred heretofore unknown rights and privileges and upon whom will be imposed new and most serious individual responsibilities The agrarian reforms will be brought under implementation to the end that those who till the soil may reap the fruits of their toil And the people throughout Japan will have the opportunity to select a new leadership through the exercise of their own free will, with entrenched restrictive controls inexorably swept aside

The success of these and other projected reforms, designed to uplift the dignity and well-being of the individual and to establish here a free society, are dependent, however, in final analysis upon the manner in which the people themselves discharge their new political responsibilities, the type of leadership which the people select, and the faithfulness with which that leadership preserves inviolate the people's rights and furthers the people's interests For unless the people assume in full reality the mantle and dignity of the sovereign power and proceed resolutely in the exercise of that power to build upon the ashes of decadence a new and enlightened social system, deeply rooted in a firm determination to remain free, there can be but superficial and temporary change from that which brought only tragedy in Japan's past

Thus, on the people alone rests the solution to many of the pressing problems which harass Japan's present and will shape Japan's future On their action as the year progresses will depend in large measure the course of Japan's destiny, and all peoples of good will everywhere will watch with intense interest and abiding hope the manner in which they meet these vital tests It is my prayer, and indeed my firm anticipation, that the Japa-

Appendix F: 27 (See Appendix B: 51)
Appendix F: 28

STATEMENT CALLING OFF GENERAL STRIKE

31 January 1947.

Under the authority vested in me as Supreme Commander for the Allied Powers, I have informed the labor leaders, whose unions have federated for the purpose of conducting a general strike, that I will not permit the use of so deadly a social weapon in the present impoverished and emaciated condition of Japan, and have accordingly directed them to desist from the furtherance of such action.

It is with greatest reluctance that I have deemed it necessary to intervene to this extent in the issues now pending. I have done so only to forestall the fatal impact upon an already gravely threatened public welfare. Japanese society today operates under the limitations of war, defeat and allied occupation. Its cities are laid waste, its industries are almost at a standstill, and the great masses of its people are on little more than a starvation diet.

A general strike, crippling transportation and communications, would prevent the movement of food to feed the people and of coal to sustain essential utilities, and would stop such industry as is still functioning. The paralysis which inevitably would result might reduce large masses of the Japanese people to the point of actual starvation, and would produce dreadful consequences upon every Japanese home regardless of social strata or direct interest in the basic issue. Even now, to prevent actual starvation in Japan, the people of the United States are releasing to them quantities of their own scarce food resources.

The persons involved in the threatened general strike are but a small minority of the Japanese people. Yet this minority might well plunge the great masses into a disaster not unlike that produced in the immediate past by the minority which led Japan into the destruction of war. This in turn would impose upon the Allied Powers the unhappy decision of whether to leave the Japanese people to the fate thus recklessly imposed by a minority, or to cover the consequences by pouring into Japan, at the expense of their own meager resources, infinitely greater quantities of food and other supplies to sustain life than otherwise would be required. In the circumstances, I could hardly request the Allied peoples to assume this additional burden.

While I have taken this measure as one of dire emergency, I do not intend otherwise to restrict the freedom of action heretofore given labor in the achievement of legitimate objectives. Nor do I intend in any way to compromise or influence the basic social issues involved. These are matters of evolution which time and circumstance may well orient without disaster as Japan gradually emerges from its present distress.

IN SUPPORT OF APPROPRIATIONS FOR OCCUPATION PURPOSES

20 February 1947

In compliance with the request of the War Department for his views to be presented to Congress in support of appropriations for occupational purposes, General MacArthur dispatched the following message on 20 February 1947:

There is a popular misconception that the achievement of victory in modern war, wherein a clash of ideologies is involved, is solely dependent upon victory in the field. History itself clearly refutes this concept. It offers unmistakable proof that the human impulses which generated the will to war, no less than the material sinews of war, must be destroyed. Nor is it sufficient that such human impulses merely yield to the temporary shock of military defeat. There must be a complete spiritual reformation, such as will not only control the defeated generation but will exert a dominant influence upon the generations to follow as well. Unless this is done, victory is but partially complete and offers hope for little more than an armistice between one campaign and the next—as the great lesson and warning of experience is that victorious leaders of the past have too often contented themselves with the infliction of military defeat upon the enemy power, without extending that victory by dealing with the root causes which led to war as an inevitable consequence. Thus in the occupation of Japan, while we have destroyed Japan's war making power and neutralized from a material standpoint its war making potential, we are yet in the process of finalizing the victory that the ensuing peace at war's great cost may be vital and real. This will require a complete reformation of the Japanese people—reformation from feudalistic slavery to human freedom, from the immaturity that comes of mythical teachings and legendary ritualism to the maturity of enlightened knowledge and truth, from the blind fatalism of war to the considered realism of peace.

In the accomplishment of this purpose, all policy in the administration of the occupation is attuned to those very ideals for which we fought—that by example we may point the way. This in turn is infusing in the Japanese mind both an understanding of and an enthusiasm for our own concept in human relationship—a concept which embodies within itself a spiritual repugnance to war.

If we are successful in the accomplishment of this purpose, we shall not have finalized the victory by bringing under control basic causes of war, but we shall have erected here in the Western Pacific a strong bulwark against the reappearance and spread of those same causes which are calculated to plunge the world into future war—for history has shown the futility of dependence upon the violence of war alone to preserve the peace. This is the stake for which we strive. It is yet too early to measure the degree of final success, but Japan is now already governed by this form of democratic rule and the people are absorbing its substance. They have learned by the hard way the futility of resort to arms for individual and national advancement, and appear to have completely assimilated this bitter lesson. Having repudiated war and renounced all rights of belligerency, they have placed their full reliance for future protection on the good faith and justice of mankind, and are proceeding through legislated reform to develop here a state dedicated, in full reality, to the welfare of the people. Given encouragement this can prove the exemplification of the superiority, in the advancement of the human race, of moral force, generated by spiritual strength, over physical force—with all resources employed for constructive rather than destructive purposes. A spontaneous development which offers both encouragement and inspiration as a measure of the progress of this concept lies in the increasing number of the Japanese people—already estimated at over two million—who, under the stimulus of religious tolerance and freedom, have moved to embrace the Christian faith as a means to fill the spiritual vacuum left in Japanese life by collapse of their past faith. This is partially responsive to the opportunity for comparison between the qualities of the old and the new—to an understanding of those principles of tolerance, justice and human decency which govern our action in the tragedy of their defeat—and, more particularly, from close-hand observation of the American soldier standing in their midst, reflecting, as he does, those fine traits of character, outgrowth of the American home. Through the firm encouragement and strengthening of this yet frail spearhead of Christianity in the Far East lies hope that to hundreds of millions of backward peoples, now easy prey to the ignorant fatalism of war, may come a heretofore unknown spiritual strength based upon an entirely new concept of human dignity and human purpose and human relationship—the very antithesis to those evil attributes which throughout history have led to war.

The American forces committed to occupational duty in Japan, now cut to only a fraction of their former strength, are at the lowest numerical level consistent with either reasonable security or the accomplishment of the regeneration of an entire race from its traditional threat to peace to a powerful bulwark against the recurrence of war—with its orderly emergence from the chaos of destructive defeat to economic, political, and social stability. And highlighting all else, of course, lies the grave responsibility of protecting our national security against future threat to our Pacific Coast. In short, the consolidation of the gains which victory has brought, that we may have peace. Our task is thus but a final phase of war, and it is inescapable that its avoidance may only be at the expense of victory itself.

In war the complete blockade of a force dependent for food and other supply from outside sources is the most effective weapon known to military science. It was through the use of this weapon that our starving men on Bataan and Corregidor were finally forced to yield to the enemy hordes who surrounded them. It was through the use of this same weapon, more than any other, that the Japanese Armed Forces were finally brought to the futility of further resistance, as segment after segment of their extended position, by envelopment, were cut off from needed supplies on the grim road back. Thereafter, when reconquest of the Philippines completely severed the Japanese war-gained empire and permitted a blockade of the Japanese home islands themselves, traditionally dependent for sustenance from sources without, total collapse became imminent.

Since the surrender this blockade of the Japanese home islands has been continued, extended, and intensified. Not only have Manchuria, Korea and Formosa, long contributors to Japanese sustenance, been taken away but many millions of Japanese citizens have been repatriated from the outside back into these four home islands. Trade and financial intercourse with the rest of the world is by our decree so prohibited as to constitute economic strangulation.

Cut off from our own projected relief supplies in these circumstances, countless Japanese would face starvation —and starvation breeds mass unrest, disorder, and violence. Worse still, it renders a people easy prey to any ideology, however evil, which bears with it life sustaining food. To permit such a condition to arise would be to repudiate those very ideals and principles on which our country has always stood and for which many of our countrymen selflessly have died. For under the responsibilities of victory the Japanese people are now our prisoners, no less than did the surviving men on Bataan become their prisoners when that Peninsula fell. As a consequence of the ill treatment including starvation of Allied prisoners in Japanese hands, we have tried and executed many Japanese officers upon proof of responsibility. Yet can we justify such punitive action if we ourselves in reversed circumstances, but with hostilities at end, fail to provide the food to sustain life among those Japanese people over whom we now stand guard within the narrow confines of their home islands?

Nor must sight be lost of the circumstances under which such food and other emergency relief supplies are provided. There is involved an appropriation of public funds only for the purpose of their acquisition, the corresponding cost becoming thereafter a charge against Japan, which should be protected by a first lien on every asset within Japan. It is not charity, nor have I found that the Japanese want charity. It is but a means to secure needed life preserving sustenance until such time as we ourselves relax the restrictions which now prevent Japan from securing the same by the normal methods of trade and commerce with the other nations of the world. Nor, if reasonable precautions are taken, will the American taxpayer ultimately be out of pocket a single dollar as a result.

At most it is but a temporary measure in discharge of a clear responsibility which victory has imposed. It must be and remain our firm purpose to restore peace and normalcy at the very earliest time practicable, and it is my full intention to recommend removal of the existing military controls over Japan just as soon as civilian controls safely may be substituted. History points out the unmistakable lesson that military occupations serve their purpose at best only for a limited time, after which a deterioration rapidly sets in—deterioration of the populace in an occupied country which becomes increasingly restive under the deprivation of personal freedom, inherent in such a situation—and deterioration of the occupying forces which in time assume a dominant power complex pointing to the illusion of a master race.

While I have herein discussed our national responsibilities of occupation largely from the viewpoint of Japan, much that I have said applies with even more poignant force to Korea, wherein our public commitment to assist in the establishment of a stable free government, for a friendly people liberated by allied arms, imposes upon us an even more solemn obligation.

I am in fullest accord with the desire of the American Congress to practice the most rigid economy in the administration of Government which our national interests reasonably may permit. Economy in both blood and supply was a rule which guided every strategic plan in the prosecution of our phase of the Pacific War—and economy has since been the rule here in the extension and consolidation of victory. A rationalization of the cost involved in this great task shows it to be, in the aggregate, infinitesimal compared with that which might have been incurred in a comparable period of extended combat.

I have observed the workings of the American Congress for many years, and have never seen it hesitate vigorously to preserve and advance our American interests. When provided with full knowledge of the situation, I do not believe, therefore, that it will take any action which would prejudice fulfillment of occupation objectives, to which we are already committed and in honor bound, as a prerequisite to finalizing the victory and insuring the peace.

MacArthur.

Official:
John B. Cooley,
Colonel, AGD, Adjutant General.

INTERVIEW WITH PRESS CORRESPONDENTS, PRIMARILY CONCERNING PLAN FOR UNITED NATIONS ADMINISTRATION OF JAPAN

(This is a transcript of the interview granted to foreign press correspondents on March 19, 1947 by Gen of the Army Douglas MacArthur as released by the Associated Press No official text of the interview was made The following excerpts are based on notes)

Gen MacArthur "I am now on the record for your questions."

Question— 'General, you were quoted recently as proposing Japanese be placed under the United Nations Would you care to elaborate on that?'

Answer—"The time is now approaching when we must talk peace with Japan Our occupation job here can be defined as falling roughly into three phases—military, political and economic

The military purpose, which was to insure Japan will follow the ways of peace, and never again be a menace, has been, I think, accomplished

' We have demobilized the troops, demilitarized the [illegible]

[illegible] tion has been probably the greatest the world has ever known

The political phase is approaching such completion as is possible under the occupation

"We have changed laws, standards and ideals of this country, from the feudalistic ideals of the past into the concept of what is the greatest thing in life, next to spiritual beauty—the dignity of man We made them think that nations exist for the welfare for those who compose them, instead of the reverse

' I don't, by that, mean to say that this thing called Democracy had been accomplished The process of democratization is one of continual flux It takes years

But insofar as you can lay down the framework, it has been already accomplished There is little more, except to watch, control and guide

Democracy is a relative thing It is a question of the degree of freedom you have If you believe in the Anglo-Saxon idea, you will believe this will stay here

"If you are a cynic, or believe in totalitarianism, you may doubt it is here to stay

"I believe sincerely and absolutely that it is here to stay

'The third phase is economic Japan is still economically blocked by the Allied Powers Economic warfare along those lines still is as bitter here as when the guns were firing And now strangulation is worse, because we have returned millions of repatriates from abroad

"No weapon, not even the atom bomb, is as deadly in its final effect as economic warfare

The atom bomb kills by thousands, starvation by the millions

'Japan was thoroughly exhausted economically at the end of the war All she had left was men She was living on stockpiles and our blockade after the fall of the Philippines kept materials from coming in Now they are scraping the bottom of the stockpiles

Each little family had its stockpile—of clothes and heirlooms Now these are being sold to keep the men alive Every resource have been placed under tight Government control but ever under strict rationing, Japan is not producing enough to satisfy her needs The difference must be filled by the Allies

If we keep this economic blockade up, more and more will we have to support this country

'It is an expensive luxury But we will pay for it or let the people die by millions "

There is not the same unity among the Allies" in the economic phase of the occupation as in the military and political phases

"Nor a clear-cut economic framework has been outlined for Japan or Germany either, for that matter But this is not a phase that the Occupation can settle We can only enforce economic strangulation '

It would be advisable for the world to initiate at this time peace talks with Japan But Peace won't mean complete relaxation of all guidance or controls

Japan on her initiative and without coercion has completed a Constitution which takes the great step of renouncing war There was a great deal of criticism when this first appeared, but it remains She also has abolished military installations under the Potsdam Declaration

'Therefore, they will be unprotected when we withdraw Who is going to protect them? '

SCAP said one method would be to backtrack and permit small military establishment "but the Japanese are relying upon the advanced spirituality of the world to protect them against undue aggression

It is on this basis, SCAP said, that he suggested recently to the visiting editor (Irwin Canham, of the *Christian Science Monitor*), that the United Nations should exercise control over Japan.

"If the United Nations is ever to [illegible]

Question— Would you care to [illegible] on the Peace Treaty When do you [illegible]

Answer—"I will say as soon as [illegible]

"In Japan there is a functioning [illegible]

Germany the Government had to be built from the ground up and there is no Government to sign the Peace Treaty . . . . Over here there is no problem of what to do with Japan.

"She has been squeezed out pretty nearly of everything we can expect to squeeze out of her.

"I am not talking of the reparations now. But she has already lost Manchuria, Korea and Formosa. There is little left. . . ."

"The days of SCAP should cease completely with the Peace Treaty because, I think, conditions are ripe for it now. . . ."

Question—"How long would you say the United Nations would have to continue the controls of democratization?"

Answer—"I would not want to speculate that." The Japanese would accept it . . . . It would be considered protective rather than repressive. It could continue as long as it was munificent.

"I would not envision any military formations of any sort after the Peace Treaty. Bayonet control would be a mockery."

General MacArthur then was asked about the restoration of Japan's economy. He pointed out Japan is economically poor; in fact, that was one reason she went to war, she was reaching out to get resources.

He pointed out that trade was the lifeblood of these Islands and that in order to stimulate trade, she must import such necessities as cotton and wool.

"We do not allow Japan to trade. She must be allowed to trade with the world. Japan is only permitted the barter system through the bottleneck to SCAP. We have got to take it out of the hands of the Government and put it in the hands of private traders.

"Eighty million people need 20,000,000 tons of food (annually). Seventeen million tons are produced here . . . . There is no way I can see, within appreciable future, that these people can get enough food from indigenous products."

The job of occupation, he said, is to restore Japan's production to self-sufficiency. "I once read a statement Winston Churchill made in one of his moments of profound inspiration. Speaking of Germany, he said, 'The problem is not to keep Germany down, but to keep it up.'

"I didn't understand it then, but I do now. Our problem is to keep Japan up."

In recounting the difficulties of this, General MacArthur said, "Japan cannot sell her raw silk in United States. The scientists have outdone them. Milady would rather have nylon than a silk hose and they are the boss, as any man will tell you.

"Scientists have relegated silk to a secondary position—just as they relegated armies and navies to secondary position with air power and the atomic bomb.

"Well, that is not quite true, but it illustrates what I mean."

General MacArthur said the Japanese are "magnificent farmers," but in working the land overtime, had exhausted its richness. Therefore they used fertilizers extensively. For this, they formerly imported something like a million and half tons of salt ingredient from China and Manchuria. "But not a pound has come in since the end of the war."*

He cited this to show the difficulties of restoring production.

General MacArthur mentioned he had read the proposal of a Congressman to cut off Japan's foreign trade for 50 years.

Question—"What would happen if you did it?"

Answer—"There would not be anybody left alive."

Question—"What do you see as final reparations program?"

Answer—"I don't think there is any intent to take away from the industrial capacity of Japan that which would destroy it."

He noted here "some disagreement" between the Pauley and the Strike reports on reparations but "they both were working on the big problem of trying to find the proper balance on the questions.

"If reparations are cut too deeply, the United States will have to support Japan because we have undertaken the major burdens of the Occupation."

Question—"What is the possibility of a United States loan to Japan?"

Answer—"I think Japan can pay back all the dollars we appropriate, but I think we should hold a first lien against anything we take out of her" in the way of trade.

"United States has not adopted a formula of loans yet, but we are operating on Army Budget and the expenditures probably will be charged against the costs of Occupation."

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*The Supreme Commander issued the following statement to rectify press reports in connection with this part of the interview:

March 28, 1947.

In my informal remarks to the Press Club I clearly stated that before the war, approximately 1½ million tons of salt were imported into Japan from Manchuria for fertilizer manufacture; that this trade had been completely curtailed but at present about one-third of this amount was being imported under barter arrangements from China.

The Associated Press report of my remarks which appeared in the *Nippon Times* was not a verbatim transcript of what I said, and omitted that part of my comment which referred to the present importations from China.

DOUGLAS MACARTHUR.

STATEMENT ON ELECTIONS OF APRIL 1947

27 April 1947

With the recently held series of elections, the last preparatory step necessary for the inauguration of the new Japanese constitution has been accomplished This constitution is among the most liberal and progressive national charters in the world It reflects one of the great spiritual reformations of mankind Its effectuation marks a new era in the Far East which may well prove vital to the future of civilization It gives the Japanese people another chance It raises the masses of them from the totalitarianism of practical slavery to the dignity of free men I have faith they will not fail their new obligation

That faith is justified by the elections just past From factories and shops and homes, from villages and farms and mines, the Japanese people streamed by the millions throughout the land to the polling places to discharge their new responsibilities of citizenship There they voted for the candidates of their choice, freely and fearlessly, without disorder and according to the rules as they understood them In this atmosphere of freedom, marked by serious effort and honesty of purpose, no one can justly criticize their choice This choice, for the first time in Japanese history, reflects the free will of the majority, as against the totalitarian dictates of a minority This is democracy!

The basic issue before the electorate was a selection between political philosophies That of the totalitarian extreme right had already been discredited and rejected for its responsibility for war and defeat and long suppression of the rights and liberties of the masses On the other hand, that of the extreme left, the Communistic philosophy, was still in issue, with its leaders strongly bidding for the popular support Since the inception of the occupation, when thousands of its adherents were freed from the stern suppression of prison cells, this philosophy and its leaders had been given the fullest liberty and freedom of political action in open and fair competition with democratic forces and beliefs It thus had its full chance and on the merits has failed The Japanese people have firmly and decisively rejected its leadership and overwhelmingly have chosen a moderate course, sufficiently centered from either extreme to insure the preservation of freedom and the enhancement of individual dignity

LETTER TO PRIME MINISTER YOSHIDA GRANTING PERMISSION TO DISPLAY JAPANESE FLAG

2 May 1947.

Dear Mr. Prime Minister.

With the effectuation of the new Japanese Constitution, there will be established in Japan a government, erected on democratic principles by a free expression of the popular will, composed of coordinate organs of state power fully responsible to the people in whom the sovereignty now rests, and dedicated to the realization and safeguard of the sanctity of human freedom and the furtherance among men of lasting peace.

To mark this historic ascendency of democratic freedom which events have made possible, I believe it peculiarly appropriate that from henceforth the Japanese national flag be restored to the people of Japan for unrestricted display within and over the premises which house the National Diet, the Supreme Court, and the Prime Minister, as representative of the three main branches of constitutional government, and within and over the residence of the Emperor, who assumes his constitutional role as symbol of the State and of the unity of the people.

Let this flag fly to signify the advent in Japanese life of a new and enduring era of peace based upon personal liberty, individual dignity, tolerance and justice

Very sincerely,

DOUGLAS MACARTHUR.

COMMENT ON SECURITY OF JAPAN

(Note Following a meeting between General MacArthur and Emperor Hirohito on May 7, 1947, the press generally speculated on the possibility that the United States would undertake the defense of Japan To rectify such press comments, the Supreme Commander issued the following statement)

I have not seen press dispatches reported to allege my assurance that the United States would undertake the future defense of Japan, but if such statements have been attributed to me, their absurdity is so evident as to warrant no serious comment

The security of Japan until a peace treaty is signed is an obligation assumed by the Allied Nations and entrusted to their Occupation Forces Its security after peace will depend upon the provisions embodied in the peace terms It can be assumed that this problem, insofar as its international aspects are concerned, will largely rest with the United Nations or some similar collective agency The United States might well have a special interest in the matter because of the strategic geographic location of Japan in its relation to Pacific defense Speculative statements that go beyond this concept have no basis of reality insofar as I am concerned

ON SELECTION OF TETSU KATAYAMA AS PRIME MINISTER

Press Release

24 May 1947:

Commenting on the significance of the selection of the new Prime Minister of Japan, General MacArthur stated:

"*Mr. Katayama's selection as the new Prime Minister emphasizes the 'middle of the road course' of Japanese* internal politics. Of no less significance is the searching effort made to find a workable formula to mold the several political viewpoints into a government which can best serve the public needs. These internal political developments reflect basic democratic principles and practices and show how far Japan has progressed on the road of free government. They augur well for an immediate future of well balanced and constructive procedure They at once expose the complete falsity of propaganda, loosely circulated in the international sphere, deprecating the recent Japanese elections as designed to strengthen reactionary forces opposed to democratic growth.

"Of possibly even greater significance than the political implications of Mr. Katayama's emergence as Prime Minister of Japan are its spiritual implications. For the first time in history, Japan is led by a Christian leader—one who throughout his life has been a member of the *Presbyterian church. It reflects the complete religious tolerance which now dominates the Japanese mind* and the complete religious freedom which exists throughout this land.

"It is significant, too, from a broad international viewpoint that three great oriental countries now have men who embrace the Christian faith at the head of their governments, Chiang Kai-shek in China, Manuel Roxas in the Philippines, and Tetsu Katayama in Japan. It bespeaks the steady advance of this sacred concept, establishes with clarity and conviction that the peoples of the East and West can find common agreement in the spirituality of the human mind, and offers hope for the ultimate erection of an invincible spiritual barrier against the infiltration of ideologies which seek by suppression the way to power and advancement. This is human progress."

RESUMPTION OF PRIVATE TRADE WITH JAPAN

10 June 1947

On June 10, 1947, General MacArthur announced that the resumption of private international commercial relations with Japan would be authorized on August 15th The procedures set up for the entrance of private traders emphasized unrestricted contact with the Japanese producers, reduced controls over commercial arrangements, and minimized participation by SCAP agencies Details of the plan were completed during discussions between a committee from Washington, D C , and the SCAP Headquarters Staff

On this occasion, General MacArthur issued the following press release

"This is a step which partially lifts the economic blockade of Japan, a sound step but only a partial one Japan is a country so lacking in indigenous materials that it must trade or starve Despite this action its economy will remain precarious until trade is completely restored to normal channels which means private trade channels While the present measure is merely palliative, it is probably the best that can be done until we have peace It will give some measure of relief to all concerned but falls *far short of a full economic solution* This can only be attained through the medium of a peace treaty and the sooner this is accomplished the better, not only for Japan but for the world "

A year later, SCAP ordered major elimination of the Japanese Government's control over Japan's export trade beginning August 15, 1948, the first anniversary of the resumption of limited private trade In a directive to the Japanese Government, dated August 10, 1948, SCAP authorized Japanese sellers and foreign buyers to conclude export contracts directly as part of a simplification of export trade to the greatest extent possible Since the [illegible] official Board of Trade This was no longer required Under the new program, SCAP also authorized foreign missions in Japan to deal directly with Japanese suppliers, at the same time authorizing the Japanese Government to communicate directly with foreign missions, firms, and traders in Japan and with private firms and individuals outside of Japan on trade matters All export contract negotiated under the new procedures, however, remain subject to review and validation by SCAP In general, controls are retained only over foreign exchange, international prices, and allocation of critical raw materials

ON SIGNIFICANCE OF 4th JULY

4 July 1947.

Mr. Luce has kindly invited me, as an American standing on distant shores, to discuss for the special July 4th issue of Life Magazine the underlying significance of that historic date and the events which it commemorates. I have been somewhat reluctant to do so as those ideals which form the pattern to our way of life are firmly rooted in the hearts of the American people from early age, and in the American tradition their restatement on that anniversary is left to the inspired oratory of city, town, and village commemorative exercises, where our citizens throughout the land annually foregather for the solemn reconsecration thereof and the rededication of American citizenship to the proposition that they shall for all time be preserved inviolate. Actuated by the thought, however, that perchance we who temporarily stand among an alien race of spiritual growth stunted by long tenure under the physical, mental and cultural strictures of feudalistic precepts--the very antitheses of American ideals--may see in contemporary events a more comprehensive significance thereto than was either envisaged by their architects or are even now fully comprehended by Americans at home, I am emboldened to comment upon the international significance of the impact of the American concept of human relationship upon the fabric of civilized society as we here view it from distant shores.

Throughout the span of our national history we have thought of those rights and privileges and immunities, protections and equal opportunities, which have since our country's birth been safeguarded to us, as things peculiarly American. Content to live by the sacred tenets of freedom passed on from generation to generation, and to defend in the forum of public debate or by the sword in the field if necessary against any threat of their suppression, either from within or without, we have given little thought to the reality that our growth as a people, the development and progress of our free institutions, and the spiritual, physical and material strength which we as free men have mustered to repel every threat of destruction hurled from without and to resolve every grave crisis within, has had a profound and lasting influence not only upon our own lives but upon the entire human race as well.

Our experience in the Philippines and in the more recent reformation of Japanese life, where in reshaping the lives of others we have been guided by the same pattern from which is taken the design to our own lives, offers unmistakable proof, however, that while American in origin and American in concept, these tenets underlying a truly free society are no less designed to secure, preserve and advance the well-being of one race than they are of another—and given the opportunity to take root in one society they will flourish and grow as surely as they will in any other society. The lesson from the past and contemporary events is that they are no longer peculiarly American but now belong to the entire human race—and that their firm adaptability in the pattern of human life is by no means governed by ethnological considerations. The term "democracy" is now being subjected to conflicting connotations but American democracy for nearly two centuries has emerged triumphant through the successive crises of war and peace—and in every test it has established its soundness in comparison with every other philosophy which has governed in the lives of men. A spiritual force whose purity of purpose is doubted by none, it has demonstrated in the American experience of blending men of all races and cultures into a composite whole that it can thrive in any heart, and raise all who embrace it to a higher dignity and more useful purpose.

Thus in the inception of Japan's reformation, many voices were raised against the planned implantation here of ideals and principles and standards underlying American democracy, for it was contended that Japanese tradition, Japanese culture, and Japanese experience would not permit their assimilation in Japan's redesigned social system. Never was statement more erroneous and unrealistic. For those very things which have supported Japan's past are responsible for the tragedy of Japan's present, and those very things which have supported America's past are no less responsible for the strength of America's present. This is well within the knowledge of the average Japanese citizen who is reaching out to understand and to embrace those same concepts which have brought individual and collective strength, dignity and security to the American people—and once the process of assimilation has been completed, the Japanese may be expected to adhere to, cherish and preserve this new way of life.

The world has just emerged through the convulsive violence of war in which all humanity has been engaged or felt its impact. Now it struggles to adjust itself to the realization of peace. War's genesis lies in the despotic lust for power—frequently its rallying media for intense nationalism renders it the last refuge of the despot whose power is threatened from within. Never has it originated in the voluntary action of a free people—never will a free people voluntarily associate itself with the proposition that the road to peace and well-being and happiness lies through the crucible of war.

In the struggle for peace in which we are now engaged, the world finds itself enslaved and half free as the clash of conflicting ideologies continues to stir mankind. True, the guns remain silent, but silent they will not long remain if avarice and greed and lust for power continue to dominate human relations, and the efforts of peoples who desire to live in peace and harmony and understanding with others and to erect upon the experience

of the past a higher plane of civilization for the future, are thwarted at the councils of the nations of the world by individuals or minorities, out of step with human progress, who would risk civilization's destruction rather than yield in their lust for further and more absolute power—intolerant of the rights of others in denying the very essence of human justice Peace will be retarded and the imminence of war threatened, so long as despotism governs men's lives and reaches out to bring the lives of other peoples within its orbit of human enslavement—so long as the individual or the few, by the threat or application of force, may control the lives and destinies of the many—so long as knowledge is perverted and personal liberty suppressed

It is for us, in this era of confusion and uncertainty following the cataclysm of history s most violent struggle, calmly to refortify our lives and free institutions by rededication of ourselves anew to those ideals and principles and human standards which have guided our progress as a people—and while always mindful of our own business, fearlessly to discharge our responsibility to others, that by example we may point the way to a peaceful world of workable human relationships Therein lies best hope for overwhelming those evil forces which now plague mankind and for real advancement in human progress

DOUGLAS MACARTHUR

COMMENT ON FAR EASTERN COMMISSION POLICY DECISION*

13 July 1947.

The policy decision just adopted by the Far Eastern Commission dealing with the postsurrender treatment of the Japanese problem is one of the great state papers of modern history. It establishes definitely the type, the extent, and the scope of Japan's future, and the position the Japanese nation shall occupy in relation to the world at large. It not only ratifies the course which thus far has been taken, but signifies a complete unity of future purpose among the eleven nations and peoples concerned. It at once sweeps aside fears currently felt that the great nations of the world are unable to reconcile divergent views on such vital issues in the international sphere and demonstrates with decisive clarity that from an atmosphere of conflicting interests and opposing predilections may emerge common agreement founded upon experience and shaped to a realistic appreciation of world conditions and the basic requirements of a progressive civilization. For in this agreement have been firmly resisted two insidious concepts, poles apart but equally sinister—the one which would seek harsh and unjust treatment of our fallen foe, and the other which would seek partially to preserve and perpetuate institutions and leadership which bear responsibility of war guilt. The first would have produced a mendicant country dependent upon charity to live, while the second would have encouraged the regrowth of antidemocratic forces with the consequent revival of international distrust and suspicion. It confirms by the considered action of the representatives of the Allied Nations a sound moderate course based upon a concept embodying firmness but justice, disarmament but rehabilitation, lower standards but the opportunity for life—a concept shunning both the extreme right and the extreme left and providing for the great middle way of the ordinary man.

The basic and easily the most essential requirement of the policy—disarmament and demilitarization—has already been fully accomplished. Even were there no external controls, Japan could not rearm for modern war within a century. This primary objective has led all aims in the occupation of Japan. Japanese military forces have been disarmed, demobilized, and absorbed in peaceful pursuits, and Japan's remaining war potential has either been destroyed or completely neutralized. The political and economic phases of the disarmament program have been effected through the dissolution of the alliance long existing between government and industry, the breaking up of monopolistic combines and practices which have suppressed private enterprise, and the raising of the individual to a position of dignity and hope, with provision made for a new leadership untainted by war responsibility and both mentally and spiritually equipped to further democratic growth. The transition stage of destroying those evil influences which misguided Japan's past has been virtually completed and the course has been set upon which Japan is now embarked toward a peaceful and constructive future. We thus see here the transformation of a state which once proclaimed its mastery of war into one which from material impoverishment and spiritual dedication now seeks its destiny as a servant of peace.

This action representing the agreement of the allied nations engaged in the Pacific war not only confirms the postsurrender policies previously evolved and largely implemented, but it establishes at the same time a norm for the restoration of peace. Resting squarely upon those same principles and ideals written at Potsdam, reaffirmed on the Missouri, and subsequently translated into action in the occupation of Japan, this accord provides the entire framework for a treaty of peace—a treaty which, if it is to be faithfully honored, should constitute within itself a charter of human liberty to which the Japanese citizen will look for guidance and protection, rather than shun with the revulsion of shame—a treaty which, without yielding firmness in its essential mandates, should avoid punitive, arbitrary and unrealistic provisions, and by its terms set the pattern for future peace throughout the world. It should in full reality mark the restoration of a peace based upon justice, goodwill and human advancement. Such a treaty may now be approached with the assurance of complete understanding in principle and full unity of purpose evolving its detail.

Viewing this international accord in the light of the great strides made by the Japanese themselves toward the achievement of those very objectives which it prescribes, without confusion, without disorder, and with steady progress toward economic recovery despite the destruction of war and defeat, it becomes unmistakably clear that here in Japan we shall win the peace.

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*The policy decision, adopted by the Far Eastern Commission on June 19, 1947 as FEC 014/9 and transmitted to SCAP through the United States Joint Chiefs of Staff as JCS Directive Serial No. 82, is a restatement of the *United States Initial Postsurrender Policy for Japan* of August 29, 1945 (Appendix A: 11).

SECOND ANNIVERSARY OF SURRENDER

2 September 1947

Two years have now passed since that fateful September 2 on the *Missouri,* when the Allies on the one hand and the Japanese on the other entered into the solemn commitments underlying surrender conditions It is unnecessary to restate the results of the ensuing occupation as they are now largely of historical record, but it is appropriate today to reflect upon the lesson learned, not alone in terms of the present and the immediate future, but more particularly its long range influence upon the progress of civilization For the opportunity here afforded to bring to a race, long stunted by ancient concepts of mythological teaching, the refreshing uplift of enlightenment and truth and reality, with practical demonstrations of Christian ideals, is of deep and universal significance

During these two years, both sides—Allies and Japanese—have by adherence to the letter and spirit of their respective undertakings acquitted themselves honorably and well, and both have benefited from the relationship History records no other instance wherein the military occupation of a conquered people has been conducted with the emphasis placed, as it has been here, upon the moral values involved between victor and vanquished Right rather than might has been the criterion The fruits of this policy are now self-evident Japan today stands out as one of the few places in a distraught world where, despite an economy of critically short supply, there is a minimum of fear, of confusion, and of unrest—where the people are diligently endeavoring to expiate the breach of the peace for which their nation stands universally condemned, to overcome the poverty left by war and defeat, and to elevate themselves to trusted and useful membership in the family of nations Avoiding vengeance, intolerance, and injustice, Allied policy, apart from its rigidly destructive phase designed to eliminate from Japanese life both the will and the capacity to wage war, has rested squarely upon the fundamental concept which finds immortal exposition in the Sermon on the Mount And by bringing into clear focus the commanding influence moral values thus have played in this relationship between nations and men, the results here attained invoke standards which might well be recognized and carried forward if the grave international issues which perplex mankind are to be resolved dispassionately in harmony and peace There is no novelty in this simple concept but too often it is ignored in the international sphere—betrayed through the misuse of power over the lives and destinies of others, with war the price the world inevitably has paid for this, man s greatest folly

A peace treaty is shortly to be discussed It is essential that it be approached in that same tolerant and just atmosphere to insure that this defeated country has the opportunity to become self-sustaining, rather than reduced to a condition of mendicancy A post-treaty Japan should not become a burden upon the economy of any other country For it is a well tested historical truism that a people given a fair chance will reach the niche in human society to which their own industry, their own skill, and their own perseverance entitle them, without largess from others—that largess stultifies rather than quickens private initiative and individual energy, so essential to human progress It is furthermore a false concept which contends that democracy can only thrive if maintained in plenty On the contrary, history shows that it springs from hardship and struggle and toil, to flourish naturally in the hearts of men who cherish individual freedom and dignity—or not at all A spiritual commodity, it is neither for purchase nor for sale

There need be no concern over fears recently expressed of imminent economic collapse It must be understood that the actual collapse of Japanese economy, which was a major Allied war aim, occurred prior to the surrender as a result of attrition caused by the crushing force of Allied arms, the severance of Japan's life lines abroad, the wresting from Japan of Manchuria, Korea, Formosa and the island groups mandated to her following the first world war, and the destruction of Japan s shipping afloat and her centers of industry and commerce at home The economic prostration of the country was complete at the beginning of the occupation, industry then being at a practical standstill In reality, since the surrender, under the guidance of the occupation and with American help, Japan has been gradually restoring her shattered economy and the curve is up not down The industrial output has now risen to over forty-five percent of pre-war normal, and the improvement can be expected to continue This relative stability, especially by comparison with more fortunately favored countries, and even under the blighting effects of practical blockade, has been one of the most amazing and encouraging features of the occupation period To become self-supporting, however, it is essential that the economic isolation imposed by the Allies be modified so that trade with the outside world can be resumed

If Japan in the post-treaty era is given a just opportunity to live in freedom and peace with her neighbors in the community of nations, there will be no threat to the survival and strengthening of the democratic processes here inaugurated under the occupation For democracy, once firmly rooted in the human heart, has never voluntarily yielded before any other conflicting ideology known to man If liberty and public morality do not bring national stability, nothing can.

NEW YEAR'S MESSAGE TO THE JAPANESE PEOPLE

1 January 1948.

To the People of Japan:

The design of a remodeled and reconstructed Japan is nearing completion. The pattern has been etched, the path has been laid. The development now lies largely in your own hands. Success or failure will depend upon your ability to practise the simple yet transcendental principles which modern civilization demands.

No occupation, however benevolent and beneficial, can substitute for the spiritual uplift which alone can lead to an invincible determination to build a future based upon the immutable concepts of human freedom—a social status under which full consciousness of individual responsibility must ever remain the keystone to the arch of success and progress.

Individual hardship is inevitable. Your economy, due to the disastrous war decisions of your past leaders, is now impoverished. This can only be relieved by employment to the maximum of the energies of your people, by wisdom and determination on the part of your leaders, and by the restoration of peace with its removal of existing limitations upon international trade. So long as your needs continue to be greater than your productive capacity, controls upon your internal economy will be essential lest the weaker segments of your population perish. Such controls must, however, only be temporary and subject to ultimate removal in favor of free enterprise.

Economically, Allied policy has required the breaking up of that system which in the past has permitted the major part of the commerce and industry and natural resources of our country to be owned and controlled by a minority of feudal families and exploited for their exclusive benefit. The world has probably never seen a counterpart to so abnormal an economic system. It permitted exploitation of the many for the sole benefit of the few. The integration of these few with government was complete and their influence upon governmental policies inordinate, and set the course which ultimately led to war and destruction. It was indeed so complete a monopoly as to be in effect a form of socialism in private hands. Only through its dissolution could the way be cleared forthe emergence of an economy conducive to the well-being of all the people—an economy embodying the principle of private capitalism, based upon free competitive enterprise—an economy which long experience has demonstrated alone provides the maximum incentive to the development of those fundamental requirements to human progress—individual initiative and individual energy.

Politically, progress toward reform has been equally encouraging. Your new constitution is now in full effect, and there is increasing evidence of a growing understanding of the great human ideals which it is designed to serve. Implementing laws have reoriented the entire fabric of your way of life to give emphasis to the increased responsibility, dignity and opportunity which the individual now holds and enjoys. Government has ceased to be totalitarian and has become representative, with its functions decentralized to permit and encourage a maximum of individual thought and initiative and judgment in the management of community affairs. Control of every political segment has been shifted to permit the selection of a new leadership of your free choice capable of advancing democratic growth.

Socially, many of the shackles which traditionally have restricted individual thought and action have been severed and action has been taken to render the exercise of police power a matter for individual and community, rather than national, responsibility. The judicial system has been freed from executive and legislative controls, and laws have been enacted to temper inordinate bureaucratic power by requiring all public officials to justify the trust of public responsibility and answer for their acts directly to the people.

Every Japanese citizen can now for the first time do what he wants, and go where he wants, and say what he wants, within the liberal laws of his land. This means that you can select your own work, and when you have completed it you can choose your own method of relaxation and enjoyment, and on your day of rest you can worship as you please, and always you can criticize and express your views on the actions of your Government. This is liberty. Yet inherent in it are its obligations to act with decorum and self-restraint, and become acutely conscious of the responsibilities which a free society imposes upon its every segment.

The future therefore lies in your hands. If you remain true to the great spiritual revolution which you have undergone, your nation will emerge and go on—if you accept only its benefits without its obligations, it will wither and go under. The line of demarcation is a simple one, understandable to all men—the line between those things which are right and those things which are wrong. The way is long and hard and beset with difficulties and dangers, but it is my hope and belief and prayer this New Year's Day that you will not falter.

DOUGLAS MACARTHUR.

ON PROGRESS OF JAPANESE WOMEN

3 January 1948

(The following is an excerpt from a letter dated 3 January 1948, sent to Miss Ruth Cowan, President, Women's National Press Club, 1367 National Press Building, Washington 4, D C, in response to an invitation received from her for General and Mrs MacArthur to attend the annual dinner of the Women's National Press Club on April 3rd)

If you have been able to keep abreast of developments here, I know you have been deeply interested in the progress that the women of Japan, since their emancipation with the advent of Allied occupation, have made in injecting into the pattern of political and social life a deeper individual and collective consciousness of public responsibility As it did in the United States, this political and sociological change has had a profound influence in the building of character in public affairs, and one can see increasing evidence of its dynamic potential in the shaping of future events designed to foster and improve the general welfare

DOUGLAS MACARTHUR

STATEMENT IN SUPPORT OF OCCUPATION APPROPRIATIONS

18 January 1948.

(The following statement sent as radio Z-35682, January 18, 1948, to the Department of Army for Under Secretary Draper, in response to request contained in radio W-93804, January 11, 1948, for a statement in support of requested appropriations to be read before the House and Senate Appropriations Committee:)

Pursuant to the suggestion contained in radio W-93804, I have sent General Fox to Washington to assist the Department of the Army in its detailed presentation before Congress of the budgetary requirements covering Japan and the Ryukyus for the fiscal year 1949.

As you know, neither of these areas have adequate indigenous food resources to sustain life. Prior to the war, they had direct call upon the resources of Formosa, Korea and Manchuria, and through highly successful industrial effort Japan was able to acquire additional food to meet any then existing deficiency, by trading her manufactured products in the markets of the world. This of course is no longer the case. Formosa, Korea, and Manchuria have been taken away, the bulk of Japan's shipping afloat has been destroyed, home industries have been gutted, areas of deep-sea fishing previously available have been sharply curtailed, and the opportunities for foreign trade, beyond those on a government to government basis, are limited to such as private traders visiting Japan under fixed quotas are able to provide. Japan is therefore still under an economic blockade whose rigidity, while somewhat moderated to permit this limited field of government and private trade, yet prevents development of a self-sufficient economy.

Japan came under our custodial control in the aftermath of war and victory. Approximately six million Japanese citizens have been repatriated from abroad since the occupation started, but thus far none are permitted to leave for abroad from Japanese shores. The people therefore are, in all practical aspects, our prisoners of war, and as such entitled to our protection under the international conventions which we ourselves historically have never failed to respect. As a consequence, the custodial relationship which the United States assumed at the surrender embodied obligations and responsibilities having the most implicit legal basis. Such obligations and responsibilities will continue to dominate our relationship to Japan so long as, by force of restriction, we confine the Japanese people to their home areas and delimit their freedom of commerce and trade with others.

During the course of the occupation, the Japanese people have made diligent effort themselves to solve the deficiency problems involved. Sizeable tracts of land are being brought newly under cultivation, but Japanese terrain offers little hope for major relief in this direction. Amazing strides have been made toward industrial rehabilitation and recovery, despite the critically low inventory of essential raw materials available for such purpose. Traditionally a people exploited into virtual slavery by an oligarchic system of economic feudalism under which a few Japanese families, directly or indirectly, have controlled all of the commerce and industry and raw materials of Japan, the Japanese are rapidly freeing themselves of these strictures to clear the road for the establishment here of a more healthy economy patterned after our own concepts of free private competitive enterprise—to release the long suppressed energies of the people toward the building of that higher productivity of a society which is free. Agricultural land, long held within a similar vise of feudalistic control, with the productive energies of those who tilled the soil limited to the low standards which result from human serfdom, is being released through sale to those same persons who in future, as land owners themselves and sole beneficiaries of their daily toil, will find in the degree of their contribution to the soil the measure of their benefit from the soil. These and other measures, designed to set the pattern of a free Japan, in time will assert themselves in maximized productivity, but even then reliance must still be had upon resources abroad which are not available at home, and markets to absorb such goods as are produced beyond domestic needs as a medium of obtaining the resources essential to meet even such needs.

The answer to this vexatious problem of course lies in the effectuation of a treaty of peace which is now past due. Conflicts in the diplomatic sphere, however, dim the hopes that were once held that such a treaty may realistically be expected, with the concurrence of all of the Allied Powers, within a predictable future. This situation imposes upon the United States the continuance of the obligations and responsibilities inherent in our existing relationship, as we cannot afford to yield our position here until fully assured against any consequent power threat by others which might operate to destroy that which we have built, and thereby place our own country at consequent serious strategic as well as economic disadvantage. Meanwhile, it is essential to minimize by all available means the resulting burden upon the American people. With this in mind, we should, while progress toward the restoration of formal peace is stalemated, unilaterally or with other Allied governments similarly inclined, release as far as possible existing restrictions upon trade and commerce, and restore to the normal limits of diplomatic privilege the right of the Japanese citizenry to journey abroad and mingle with that of other lands, to study and absorb cultural and scientific advances made since the advent of war, and generally to be re-endowed with freedom of

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responsibility, and in so doing make an indelible impression which, more than all else, will gain converts to our own immutable concepts of life It is not merely what we have done, but even more that we have done it It will afford comfort and sustenance to human life—but, of immeasurably greater value, it will provide an example in human relationship which will continue to dominate men's thoughts for ages to come

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action in the solution of their own internal problems in the safeguard of their domestic welfare

By our resolute and faithful discharge in Japan of the obligations inherent in the relationship of victor to vanquished, we will fulfill the highest form of moral responsibility, and in so doing make an indelible impression which, more than all else, will gain converts to our own immutable concepts of life It is not merely what we have done, but even more that we have done it It will afford comfort and sustenance to human life—but, of immeasurably greater value, it will provide an example in human relationship which will continue to dominate men's thoughts for ages to come

MacArthur

REPLY TO CRITICISM OF ECONOMIC POLICY

1 February 1948.

(The following was sent as a letter to Mr. J. H. Gipson, The Caxton Printers, Ltd., Caldwell, Idaho, under date of 24 January 1948, in reply to Mr. Gipson's letter of 27 December 1947, relative to a December release from the Committee for Constitutional Government in New York stating that the Occupation is fostering socialization of Japanese industries, etc. Permission was later requested on 31 January 1948, by Mr. Gipson for release to the press and approval was radioed on 1 February 1948.)

Thank you so much for sending me the extract of comments on Japan from the December release of the Committee for Constitutional Government in New York, with your letter of December 27 which has just reached me.

I have never heard of this Committee and know nothing about its purpose or composition, but its estimate of the situation here is amazing in its complete inaccuracy. The existing Government of Japan is fully representative of the popular will, elected under thoroughly democratic processes in accordance with the provisions of a constitution patterned in essential respects after our own. The only "private enterprise" which has heretofore existed in Japan was neither free nor competitive—two fundamental qualifications of American economic philosophy which it is my firm purpose to see entrenched in the Japanese system before the occupation withdraws.

Japan has long had a system of "private enterprise"—but one which permitted ten family groups comprising only fifty-six Japanese families to control, directly or indirectly, every phase of commerce and industry; all media of transportation, both internal and external; all domestic raw materials; and all coal and other power resources. The "private enterprise" was thus limited to a few of feudal lineage, who exploited into virtual slavery the remainder of the Japanese people, permitted higher standards of life to others only through sufferance, and in search of further plunder abroad furnished the tools for the military to embark upon its ill-fated venture into world conquest. The record is thus one of economic oppression and exploitation at home, aggression and spoliation abroad. As early as 1930, these Japanese industrial combines veered in the direction of armaments production and geared the country for war. This portrays the private enterprise to which the Committee refers.

As you will see, the very start toward free enterprise is dependent upon tearing down so abnormal a structure. For, so long as it remains undisturbed, it is a standing bid for State ownership, and a fruitful target for Communist propaganda and collectivist purposes. The Japanese people, with the exception of those who covet the opportunity to exploit this situation for ideological purposes, and those who have been entrenched within its orbit of political and economic power, are overwhelmingly in favor of destroying such a system, and unless its destruction is effected peacefully and in due order under the occupation, there is little doubt but that if necessary the way would be found even through the violence of revolutionary means once the occupation is withdrawn.

In all of these measures in the reformation of Japan, it must be clearly understood that we are here dealing with fundamental realities. It does not suffice merely to issue an edict that there shall be no socialism, or that there shall be no advance of communism or other ideologies opposed to the one in which we ourselves firmly believe. For the strength of such an edict would find its measure in the power of Allied bayonets alone. The need has called for positive action which, while we yet have time, will superimpose here upon a decadent and discredited past a system of government and economics which, because their very processes generate a more healthy and virile society, will even after our controls are lifted stand as an invincible buttress against the inroads of any conflicting philosophies of life.

In the accomplishment of this purpose, two difficult barriers have stood out to bar any progress. The one has dealt with the feudalistic system of land ownership under which practically all agricultural land has been owned by a relatively few persons of feudal heritage, with all agrarian workers exploited under conditions of practical serfdom. This archaic system of land ownership is being torn down in order that through sale in small lots those who long have worked the soil may have the opportunity substantially to profit from their toil. Thereby there will emerge in Japan, from a field heretofore fertile to the spread of communism, a new class of small capitalistic landowners which itself will stand firm against efforts to destroy the system of capitalistic economy of which it will then form an integral part. Needless to say, the communists and the land barons alone oppose this reform.

The other barrier is the one which I have heretofore described, popularly known as the Zaibatsu, and in neither case, even despite war enrichment at the sacrifice of American blood, has there been any confiscation of property, as the principle of just compensation throughout has governed, with untrammelled recourse left to judicial appeal in the Japanese courts. The effect of its dissolution will be to transform a small number of monopolistic combines into numerous competing units and to bring about widespread ownership of the instruments of production and trade, thereby erecting a solid bulwark against the spread of ideologies and systems destructive of both free enterprise and political freedom

under democratic capitalism. Otherwise, if business in Japan were allowed to continue with its concentration of economic power, it would lead to concentration of power in government, and from there the transition to socialism of one form or another would be natural, easy of accomplishment, and inevitable.

The statement of the Committee that "prominent leaders including many outstanding friends of freedom, have been ousted from the control of industry and their places have been taken by incompetent visionaries" finds no basis in fact. Apart from action taken with respect to the Zaibatsu, wherein the family members and their appointees are removed from positions of influence in the identical enterprises they have heretofore controlled, there have been in all less than two hundred and fifty persons removed under Allied policy from positions in the economy under the purge program. The removal of these persons was due to their close identity with the causes which led to war. In the implementation of this phase of the occupation program, I have in the exercise of the normal discretion accorded a field commander, pursued far less drastic measures than were called for by my policy directives from the Allied Powers, shifting the emphasis from punitive action to action merely designed to provide for a more healthy leadership and one unattainted by war responsibility. Even in those cases of persons removed from positions of power, involving the most aggravated circumstances, I have, against strong Allied opposition, permitted no property confiscation, no deprivation of liberty, no forfeiture of political rights, and where restriction upon future economic activity is involved embracing but a relatively few persons, I have insured that policy-makers rather than technicians were affected, and have left undisturbed a broad field of economic activity in which even they might continue to engage without the slightest restriction. If within this small group of persons affected, there are any outstanding "friends of freedom," they are unknown to this headquarters, and all have had the opportunity, through exhaustively fair hearings before screening committees of the Japanese Government and on appeal, to prove any such contentions. The statement that the places of those few removed have been taken by incompetent visionaries is absurd. Such places have in all cases been filled by junior executives of long service in the enterprises concerned, who have moved up into opportunities which otherwise would not have been available to them.

The Committee's statement that "the government has been flooded with a horde of bureaucrats," not unlike the situation in other capitals, is probably true. Even so, on the national level of government there are less than 350,000 persons so employed, which is not disproportionate to Japan's population of seventy-eight million, should standards elsewhere be accepted as a general guide. It is not the quantity, however, which has given me most concern, but the quality and the inordinate power which the bureaucracy traditionally has arrogated to itself in Japan. To cope with this evil, we are now in the process of assisting the Japanese Government toward a civil service reform. The pattern already has been set through wise and farsighted legislation, the implementation of which will be completed within the present year. The basic purpose and effect of this reform is to require that all public officials justify the trust of public responsibility and answer for their acts directly to the people.

The general statement that the money is unsound, that foreign trade is restricted by a maze of regulations, and that production is paralyzed is wholly misrepresentative in its failure to recognize the following fundamental and controlling facts, i. e., (1) that Japan is a totally defeated nation, still technically at war with the Allied Powers and under the controls of military occupation, (2) that a primary objective of war and cause of defeat was the destruction of Japan's industrial capacity to wage war and ability to transport its sinews on the high seas, (3) that Japan has always been dependent for the bulk of the raw materials essential to sustain the industrial capacity upon procurement from abroad, now denied by the economic blockade inherent in the present situation, (4) that Japan's shipping afloat has been destroyed, and Manchuria, Formosa and Korea, former sources of direct procurement of essential raw materials, have been taken away, and (5) that Japanese money, not unlike that even of all of the victor nations, is suffering the severe strain of war-caused economic dislocations.

Finally, the statement that "the net result has been so to paralyze production as to leave the Japanese people on the verge of starvation, and that the Americans are now called upon to furnish hundreds of millions of dollars to relieve the hunger for which our representatives are primarily responsible" is completely lacking in realism and false as an indictment. The wonder is that despite the lack of needed raw materials, widespread destruction of plant facilities, and seizures under Allied policy for reparation payments, the industrial output has risen from complete paralysis at war's end to over 40% of pre-war levels. It must be understood that the Japanese people before the war suffered a deficiency in indigenous food resources which compelled the importation from abroad of approximately 20% of food requirements. Add to this natural deficiency the fact that over six million Japanese citizens have been repatriated to the home islands, with none permitted to leave during the occupation, while Manchuria, Korea and Formosa have been removed as sources of food supply, and you can understand the actualities which exist. During the occupation we have contributed food partially to cover this deficiency, but such contribution has not even approximated the importations required during the pre-war era when industry was at full capacity and there was

a smaller population to feed. Such action has not been entirely altruistic as under Japan's present status the Japanese people are in all practical aspects our prisoners of war, and as such entitled to our protection under the international conventions which we ourselves historically have never failed to respect. Even so, the Japanese people have made diligent effort themselves to solve this deficiency problem, and once a healthier economic structure has been erected, there will be seen, through the release of long suppressed energies of a people enslaved, the building of that higher productivity which alone comes from a people who are free.

The foregoing will give you the facts as they exist for comparison with those stated by the Committee, which you have been good enough to quote. The prescription for Japan's economic ills is as crystal clear as it is simple—a structural redesign to make possible the emergence of an economic system based not solely upon the formula of "private enterprise" to which the Committee alludes, but to *free* private *competitive* enterprise which Japan has never before known, and which alone will maximize the energies of the people. Even more, the conclusion of a treaty of peace which would permit the reopening of the channels of trade and commerce to make available essential raw materials to feed the production lines, world markets to absorb the finished products, and food to sustain working energy.

DOUGLAS MACARTHUR.

LETTER TO SENATOR BRIEN McMAHON DEFENDING ECONOMIC POLICY

Tokyo, Japan,
1 February 1948

Dear Senator McMahon

I have your letter of January 22nd and the pages from the Congressional Record subsequently received under separate cover, for which I thank you

The discussion of Senator Knowland covers a policy paper of the United States formulated by the State, War and Navy Departments and referred to the Far Eastern Commission for consideration by the other ten governments represented on that body and to the Supreme Commander for the Allied Powers for guidance As the sources of origin, authorship and authority are all in Washington and my responsibility limited to the executive implementation of basic decisions formulated there, I am hardly in a position ten thousand miles away to participate in the debate

For your information, however, I did publicly state my view with respect to the underlying purpose of the policy paper known as FEC 230 on New Year's Day last and subsequently on January 6th, 1948 at San Francisco the Secretary of the Army in an address before the Commonwealth Club, with marked clarity summed up the situation as it presently exists It is somewhat difficult to understand why these published views did not figure in the discussion of the subject matter upon the floor of the Senate, and against the possibility that the texts of such statements did not come to your attention I am inclosing herewith copies thereof which I should be only too glad to have inserted in the Record as you have suggested

In any evaluation of the economic potential here in Japan it must be understood that the tearing down of the traditional pyramid of economic power which has given only a few Japansee families direct or indirect control over all commerce and industry, all raw materials, all transportation, internal and external, and all coal and other power resources, is the first essential step to the establishment here of an economic system based upon free private competitive enterprise which Japan has never before known Even more it is indispensible to the growth of democratic government and life, as the abnormal economic system heretofore in existence can only thrive if the people are held in poverty and slavery

The Japanese people, you may be sure, fully understand the nature of the forces which have so ruthlessly exploited them in the past They understand that this economic concentration not only furnished the sinews for mounting the violence of war but that its leaders, in partnership with the military, shaped the national will in the direction of war and conquest And they understand no less fully that the material wealth comprising this vast concentration at war's start increased as war progressed, at the forfeiture of millions of Japanese lives, as resources of Japan theretofore only indirectly controlled came under direct control and ownership Those things are so well understood by the Japanese people that apart from our desire to reshape Japanese life toward a capitalistic economy, if this concentration of economic power is not torn down and redistributed peacefully and in due order under the Occupation, there is no slightest doubt that its cleansing will eventually occur through a blood bath of revolutionary violence For the Japanese people have tasted freedom under the American concept and they will not willingly return to the shackles of an authoritarian government and economy or re-submit otherwise to their discredited masters

With expressions of cordiality

Faithfully yours,

DOUGLAS MACARTHUR

ON RESIGNATION OF KATAYAMA CABINET

9 February 1948.

Press Release:

"The Prime Minister has just called to inform me of the decision that he and his cabinet will resign. He pointed out that, whereas his government has received no non-confidence vote by the Diet, it felt that it lacked the legislative support which a government should have to be truly representative of the people. The problems which it has faced are not novel but are inherent in the Japanese situation. As with all governments since hostilities ended, his has been confronted with the serious political, economic and social dislocations which are a natural consequence of the war and defeat.

"These conditions in more or less degree will continue to confront future Japanese governments until through the combined energies of the Japanese people and wise and prudent leadership, the forces of recovery reestablish a self-sustaining economy and political and social stability. This will of course take time, but decisive progress already has been made. The action now being taken is in full accord with democratic procedure, as will be the manner in which the National Diet meets the issue. The solution will be left to its decision, as the Occupation will continue to regard the determination of such internal political issues as a responsibilty of the representatives of the Japanese people.

"Mr. Katayama and his cabinet have given the country a conscientious and patriotic leadership, and I have every confidence that the new government which emerges through the democratic processes ahead will be guided by no less high principles."

PATTERN FOR THE OCCUPATION OF JAPAN

14 February 1948

(The following is portion of letter, dated February 14, 1948, sent to Mr Charles M Englisby, 1217 East 36th Street, Brooklyn, N Y, in response to his letter of 4 February 1948, requesting a simple pattern for the occupation of Japan)

The pattern of my course in the occupation of Japan lies deeply rooted in the lessons and experience of American history For here I have merely sought to draw therefrom the political, economic, and social concepts which throughout our own past have worked and provided the American people with a spiritual and material strength never before equalled in human history

There is no need to experiment with new and yet untried, or already tried and discredited concepts, when success itself stands as the eloquent and convincing advocate of our own—nor is there factual basis for the fallacious argument occasionally heard that those high principles upon which rest our own strength and progress are ill-fitted to serve the well-being of others, as history will clearly show that the entire human race, irrespective of geographical delimitations or cultural tradition, is capable of absorbing, cherishing and defending liberty, tolerance and justice, and will find maximum strength and progress when so blessed

DOUGLAS MACARTHUR

Appendix F: 46

COMMENT ON REPORT OF UNITED STATES LIBRARY MISSION TO JAPAN

22 February 1948.

The report and recommendations submitted to me by the United States Library Mission to Japan will be of inestimable value to the Japanese people in their efforts to establish a National Library Service. It should be a matter of great satisfaction to all that a National Diet Library Law was passed by unanimous vote of both Houses of the Diet before the Library Mission returned to the United States.

The report will be of continuing assistance as detailed plans for a great national library service are developed. The members of the Library Mission have made a substantial contribution toward the establishment of a far reaching and enlightened library program.

DOUGLAS MACARTHUR.

ON SECOND ANNIVERSARY OF WOMEN SUFFRAGE

10 April 1948

Two years have now elapsed since the women of Japan first went to the polls as participants in a representative democracy to discharge their solemn responsibility of citizenship which the franchise entails.

It has been a notable two years in the history of Japan, for its women have worn the mantle of political equality with becoming grace and dignity and contributed immeasurable spiritual strength and wisdom to the political effort designed to solve the complex issues of the times. For today [illegible] elective officials are from this newly enfranchised segment of the Japanese society, and the courage and determination with which they are meeting this new challenge of public responsibility is a heartening demonstration of the inherent capabilities of their race.

[illegible] to all of the women of Japan on this second anniversary of their equality before the law my admiration for the great strides toward political maturity they have already made and my abiding confidence in the [illegible] that they are [illegible] part in the orientation of Japan's destiny toward an enduring [illegible] liberty, tolerance and justice.

Douglas MacArthur

MESSAGE TO THE JAPANESE PEOPLE ON THE FIRST ANNIVERSARY OF THE CONSTITUTION

3 May 1948.

To the People of Japan:

One year ago your new constitution became the supreme law of the land, and the cause of human freedom advanced as a mantle of personal dignity thereby fell upon every Japanese citizen. The people turned their eyes toward the dawn of a higher concept of life, heralded by a charter which provides the design for a political and social edifice resting upon the pillars of liberty and justice.

Adapted from the experience of the ages, this charter embodies the most enlightened advances in the concept of human relationship which civilization thus far has been able to evolve, and as it now stands it lags behind none in form, in substance, or in progressive thought. But the written word alone gives only indirect protection to the rights and privileges which it ordains. Such protection resides actually in the resolute will of the people in whom the sovereign power dwells. And no man is entitled to the blessings of freedom unless he be vigilant in its preservation and vigorous in its defense.

It is for the people, therefore, as empowered by its terms to translate this charter into living and resourceful actuality, that the new Japanese way of life may be fashioned according to its general design, a workable and beneficient way of life which while fundamentally in complete harmony with Japanese character and culture and basic needs, yet overlooks no gain elsewhere made toward advancing human welfare. For the course of civilization is not static, and it is therefore for the Japanese people in shaping their own free destiny carefully to scrutinize the lessons history has taught in other lands and search for weak practices as well as strong, failure as well as success, in order that the way may be oriented to the best that experience provides. The concept of human freedom is immutable but its translation into living actuality is subject to progressive advance as the minds of men find reorientation with enlightened knowledge and changing conditions with which society must cope.

Today great ideological issues are stirring mankind. These issues are clearly defined as between democracy and despotism—freedom and slavery. While the great majority of the peoples of the earth seek freedom, the forces of despotism, composed of wilful minorities, are on the march in every land. Whether they be of the extreme left or of the extreme right makes little difference for their purpose is to destroy freedom, and the two often exert pressure in common accord in the effort to achieve this purpose. While only minorities compose these pressure groups, they garner support from the ignorant, the gullible, and the weak-minded. Their fundamental aim is to destroy the highly developed moral concepts of the modern world and to superimpose upon the ashes thereof a social system which experience has shown to be barren of truth and light, without hope or promise and bereft of faith, a system under which the masses of men are denied the fruits of their toil and the benefits of their skill to enrich a ruling few, neither responsive to the popular will nor dedicated to the public good. Defense against such minority pressure lies more than all else in the spiritual strength of the people and the unyielding firmness of their chosen leaders. For the lessons of contemporary history make it unmistakably clear that when peoples or their leaders shrink or yield before such pressure or permit invisible controls to be superimposed upon representative government by any minority groups whatsoever, governments fall and freedom perishes.

The past year has witnessed notable progress in the reshaping of Japanese life to conform to Japan's constitutional mandates. The entire body of Japanese law has now been modified and the structure of government redesigned to render it a thoroughly democratic instrument, truly representative of the popular will. The highly centralized controls previously existing have been severed, with each community within the broad outline of the charter left the untrammelled right and fixed responsibility to manage its own affairs, exercise its own police power, and resolve its own peculiar social problems.

The very essence of democracy lies in the reservation of the maximum of political power in the people for exercise up through the smallest political subdivisions of government. Its antithesis lies in the concentration of the political power in the hands of a few for exercise down to the smallest political subdivisions of government. Japan, traditionally governed under the latter, is now fully oriented toward the former, as all segments of Japanese life, freed from arbitrary and oppressive centralized control, are becoming welded into strong and purposeful communities, which in common cause and for the common benefit will give vitality to a free nation. Ceaseless vigilance must be maintained to insure that the maximum of local autonomy is preserved if democracy, now firmly planted, is to survive.

The Japanese people are coming to understand, apply and cherish the rights and privileges conferred by their new constitution. It is encouraging to note that care is being exercised to avoid the perversion of grants of liberty into seeming grants of license, and that there is a growing understanding that with every right and privilege conferred there is a corresponding obligation imposed—an obligation to exercise that right and privilege in such manner as to avoid violence to the rights and privileges of others. Every segment of Japanese society

will find its authority for advance within the provisions of this great charter, and yet unrelaxed vigilance is necessary to insure that by operation of government no [illegible]

avowed purpose of providing that equal protection shall be extended to every citizen of the land

You have reoriented your economy toward a system based upon the principles of free competitive enterprise, and with it are reorganizing the concentration of economic power which long has suppressed any possibility for equality of opportunity, one of the great pillars to democratic life And by wise and advanced laws you have safeguarded against any reversion to monopolistic *control If this course be firmly held and unceasing* vigilance be maintained to hold at a minimum the burden of the expense of government upon the individual, you will leave unimpaired the incentive to maximized initiative and energy and the assumption of reasonable risks inherent in econmic adventure, all essential to progress in a free economy

It is heartening to observe a growing consciousness of public responsibility on the part of the people, as increasingly is heard the expression of public opinion For the most effective curb upon excesses or corruption in government or any segment of Japanese life lies in an informed public opinion and its vigorous and fearless defense against threat to the public interest An informed public opinion is dependent in turn upon a free, responsible and courageous press, and it is gratifying that the Japanese press during the past year has shown great progress in the development of those qualities It appears increasingly to understand that in the constitutional guarantee of a free press, a responsible press is intended—a press which will play a vital role in the orientation of public opinion by propagating the truth in order that the people wherein sovereignty rests may make sound political decisions with minds uncorrupted by slanted, distorted or false propaganda

The past year has witnessed impressive gains in the enhanced dignity and improved working conditions of labor And both labor and management in the social struggles inherent in a society which is free are displaying a growing awareness of the fact that labor-management disputes involve triangular rather than bilateral interests, with the public interest by far the predominant one In Japan with its economy of scarcity resulting from war and destruction no segment of society is without want and consequently many demands are understandably motivated by the wish for more of the fundamentals of life, but if a sound course is to be charted, each segment must realistically assess the resources available and measure its demands to correspond to its fair share This necessitates more than all else responsible leadership and, on the part of the rank and file, ceaseless vigilance to insure that Japan's already meager resources be not imperiled by irresponsible action

Japan today is a land of relative calm and purposeful effort in a turbulent and confused surrounding That it is so reflects great credit upon the stamina, resiliency and determination of its people So it must remain For such a Japan with all effort dedicated to building a new and impregnable citadel of democracy in the East will provide its people with the blessings of a truly free way of life and thereby prove a factor for stability in a world torn by the uncertainties of confusion and fear

DOUGLAS MACARTHUR

Appendix G

HISTORY OF THE GOVERNMENT SECTION, GHQ, SCAP

1. Establishment

The Government Section, established on October 2, 1945 by General Order No. 8 of General Headquarters, Supreme Commander for the Allied Powers (GHQ, SCAP),[1] was one of the special staff sections organized shortly after the beginning of the Allied occupation of Japan to advise General MacArthur on policies relative to the non-military, i. e., political, economic, and social problems of Japan.

2. Mission

The primary mission of the Government Section was to advise the Supreme Commander on the status of and policies pertaining to military government in Korea and the internal structure of civil government in Japan. Specifically, it was the function of the Section to make recommendations for: the demilitarization of the Japanese Government; the decentralization of government and the encouragement of local responsibility; the elimination therefrom of feudal and totalitarian practices which tended to prevent government by the people, and the elimination of those relationships between government and business which tended to continue the Japanese war potential and to hamper the achievement of Occupation objectives.

3. Organization

Initially the Section was organized into a Public Administration Division and a Korean Division.[2] The Section's functions with regard to Japan were assigned to the Public Administration Division, which was divided into an Operations Group and a Planning Group.[3] The Operations Group, charged with performing the staff actions required to discharge the Government Section's responsibilities, was composed of an External Affairs Unit concerned with the control of Japanese foreign relations, a Judicial Affairs Unit concerned with Japanese courts and procurators, and an Internal Affairs Unit concerned with legislative affairs and general elections, national government agencies, political parties, local governments, and local elections. The Planning Group was charged with making studies and recommendations designed to attain the Occupation's long-range objectives in the fields of government and politics. Brigadier General W. E. Crist, who had been Chief of the Military Government Section, GHQ, AFPAC, was Chief of the Government Section, GHQ, SCAP, from October 2 until December 13, 1945, when he returned to the United States.

4. Organizational Changes

On December 15, 1945 Brigadier General Courtney Whitney became Chief of the Government Section. One of his first decisions was that the Planning Group be abolished and its personnel integrated into the functional divisions of the Section. It was General Whitney's conviction that the highly fluid situation presented by post-surrender Japan would constantly demand the expeditious formulation of solutions to pressing political and governmental problems, and that the developments of the Occupation would not permit the luxury of a long-range research and planning group separated from day-to-day problems and operations. Subsequent events amply justified this forecast. Between January 1946 and the middle of 1948 the Government Section underwent a number of internal changes in organization and allocation of functions to meet the continuously shifting requirements of its task. The basic functional structure and character of the organization, however, remained substantially unchanged.[4]

In a large measure the Section owed its effectiveness to the highly flexible character of organization it maintained throughout. An outstanding illustration of this organizational flexibility is found in the handling of the work on the new Constitution of Japan. In September 1945 General MacArthur called upon the Japanese Government to reform its constitution. By the end of January 1946 it became evident that the Japanese Government needed guidance and assistance in order to produce a document that would embody the essentials of democratic government. The mission of rendering such guidance and assistance was assigned to the Government Section. Since this activity cut across the functions of all the divisions within the Section, the entire Section temporarily became a Committee of the Whole organized into functional committees such as Committee on the Executive, Committee on the Legislature, Committee on the Judiciary, Committee on Finance, Committee on the Bill of Rights, etc.[5]

During the elections of 1946 and 1947 virtually the entire personnel of the Section, regardless of functional

[1] The General Headquarters orders and staff memorandums affecting the functions of the Government Section appear under Administration, paragraph 8 below.

[2] The Korean Division functioned as a rear echelon in Tokyo for United States Military Government in Korea, reported on military government operations therein and expedited liaison between the Tokyo and Seoul headquarters. The activities of this division being foreign to the Government Section's mission in Japan, it was transferred to the office of the Deputy Chief of Staff, SCAP, on February 13, 1947.

[3] See Organization Chart under Administration, paragraph 8b(1) below.

[4] Administration, paragraphs 8b(3) to 8b(5) inclusive.

[5] See Section III, The New Constitution of Japan; also, Administration, paragraph 8b(7) below.

divisions, was formed into teams and sent into the field to advise and participate in the procedures for observing and reporting on the elections

Another example occurred in connection with the preparation of legislation necessary for timely implementation of the new Constitution In March 1946, shortly after the draft of the new Constitution was introduced in the Diet, the government established by Imperial Ordinance a Provisional Legislative Investigating Committee (PLIC), headed by the Prime Minister and composed of fifty-six government officials, Diet members and citizens to study and recommend to the Government changes in legislation (to be enacted by the date of the effectiveness of the new charter) considered necessary to the early implementation of the proposed Constitution The work of the Committee was divided into five parts House of Councillors Law, Imperial Household and Cabinet, Diet Law, Judiciary and Codes, Finance and other matters To maintain surveillance over and liaison with and to advise this Government committee, the Government Section thereupon established a Secretariat for the Provisional Legislative Investigating Committee (SPLIC),[6] each member of which acted as opposite number to the director of the Japanese committee division responsible for a given phase of the work Under the Constitution a six-month period from November 3, 1946, to May 3, 1947, had been provided for the enactment of laws and the establishment of procedures essential to the enforcement of the Constitution Through the instrumentality of SPLIC the Government Section was able during this critically brief period to advise and assist the Japanese Government in formulating the fundamental legislation required to give life to the new Constitution and to place into effect certain of the democratizing principles of the Potsdam Declaration, such as the Diet Law, the House of Councillors Law, the Imperial Household Economy Law, and the temporary revisions of the Criminal and Civil Codes

The above-cited examples of special temporary units to accomplish special tasks do not exhaust the list of such projects, but they are typical Of equal importance in enabling the Section to keep abreast of the rapidly moving situation were the organizational changes among and within the regular divisions of the Section as the Occupation progressed and the emphasis shifted from phase to phase In January 1946 the Government Section had six functional divisions to deal with the problems of government in Japan, in January 1948 there were ten divisions, in July 1948, only three

5 Divisional Histories

The *External Affairs Unit* was organized in October 1945 to effect (1) the severance of Japanese governmental and administrative authority and control over areas outside of Japan proper formerly occupied or controlled by Japan and (2) the severance of direct relations between the Japanese Government and other countries Neither of these tasks was assinged to the Government Section in the General Order which established the Section But the first fell within the Section's sphere under its responsibility to advise on the structure of civil government in Japan, the second task was assumed by Government Section because what was later to become the Diplomatic Section of General Headquarters, SCAP, was at that time purely an United States Department of State mission serving as Political Adviser to the Supreme Commander but having no General Headquarters staff functions

By the end of January 1946 the mission of the External Affairs Unit was substantially completed and the Unit, with the same personnel, was reorganized as the Opinions Branch (later Division) with the primary task of formulating and preparing statements of the Government Section's position on proposed directives or other actions referred to the Section for concurrence or comments, and interpreting to other sections of GHQ and to the Japanese Government the application of directives initiated by the Government Section At that time written directives to the Japanese Government on Occupation matters were still fairly frequent

The *Opinions Division* was also given, as a special assignment, the task of advising on the administration of the Purge Directive of January 4, 1946 In the beginning it was thought that Government Section s activities in this field would be limited to advising on policy, and to making infrequent spot checks of the Japanese Government s purge decisions on the basis of information and recommendations furnished by the Civil Intelligence Section, GHQ, SCAP Following the general elections of April 1946 to the House of Representatives, however, it was determined to be necessary for Government Section actually to review all purge decisions of the government affecting the important public offices This activity soon absorbed the entire efforts of the Opinions Division and necessitated the organization of a new division to carry on the task

Accordingly a new purge division was established in August 1946 Initially it was called the *Public Administration Division* and had responsibility for initiating studies and recommendations looking toward Civil Service reform as well as the removal and exclusion of undesirable individuals from public office The activities of the new division in both fields increased to such an extent that it was found advisable in June 1947 to separate the two functions, and two new organizations were established· *Public Service Qualifications Division* and the *Civil Service Division*

The *Public Service Qualifications Division* eventually employed more personnel than any other division within

[6] See Administration, paragraph 8b(6) below

the Section. It processed a total of 32,344 questionnaires submitted by the Japanese Government. By January 1948 it had essentially completed its task. On that date it transferred its records to the *Administrative Division*, was redesignated as the *Special Projects Division* with a small staff for liquidating any remaining loose ends of the purge program and completing the Government Section's remaining activities in connection with the enforcement of SCAPIN 548 (Abolition of Certain Political Parties, Associations, Societies and other Organizations).

The completion of its task and the dissolution of the Public Service Qualifications Division established an example which was soon followed by the Japanese Government which announced in March 1948 that its agencies for screening those subject to the purge memorandum, the Public Service Qualifications Examination Committees, would be abolished.

During November 1946, as a result of requests made by the Japanese Government and approved by the Supreme Commander, the *United States Personnel Advisory Mission to Japan* was constituted by the War Department and ordered to Japan to study the civil service personnel system of the Japanese Government and make recommendations for its democratization and improvement.

The Mission arrived in Tokyo on November 30, 1946, for a six-month tour and immediately began a study of the Japanese personnel situation. As a result of conclusions based on its studies, the Commission presented an interim report to the Supreme Commander on April 24, 1947. This report made a number of recommendations, including the proposal of a National Public Servants Law to create the legal basis of a modern democratic civil service system, the creation of a National Personnel Commission to enforce the law, and the establishment within Government Section, SCAP, of an operating division to assure democratically sound legislation and implementation thereof. The recommendations of the Mission were approved by the Supreme Commander, and a *Civil Service Division* was established in Government Section on June 1, 1947 to conduct the recommended program. The bill proposed by the Mission was passed by the Diet on October 21, 1947 and operations directed toward its implementation were initiated.

The *Political Affairs Division* was created early in the Occupation to make recommendations for Election Law revision, promote the development of democratic practices by political parties and to dissolve and prevent the formation of anti-democratic societies, associations and organizations. In February 1948 when the reform phase of the division's mission was considered accomplished the remaining functions of the division were assigned to the Legislative Division.

The *Legislative Division* had its origin early in October 1945 when, as the *Legislative Unit* it was charged with keeping informed on the Diet's activities and making studies and recommendations on proposed legislation. In December 1945 it was given the additional responsibility of supervising election campaigns. Later it assumed the task of advising the Diet on internal organization and procedures with a view to enhancing the Diet's effectiveness. The new Diet Law modernizing and streamlining the legislative procedures in both Houses was drafted and adopted by the Diet with the advice of the Legislative Division. In preparing and enacting this law, the Diet pointedly declined to consider a draft which had been prepared in the Cabinet's Legislative Bureau. Early in 1946 by informal arrangement with the Diet, later confirmed by memorandums of the Chief of Staff, procedures were established whereby all proposed legislative acts were cleared by the Legislative Division for General Headquarters before being introduced in the Diet.[7] Early in 1948 the Legislative Division absorbed he remaining functions of the Political Division and beame the Parliamentary and Political Division.

The *Governmental Powers Division* was established in February 1946 to recommend policies for the reform of he Japanese governmental system, the elimination of the undemocratic relationships between government and business and the supervision of the Japanese court system. The latter function, originally assigned to a legal branch within the Governmental Powers Division, was transferred to a separate Courts and Law Division after promulgation of the new Constitution with its concept of an independent judiciary. On May 31, 1948 all functions of the Governmental Powers Division having to do with governmental reorganization having been accomplished, the residual functions were transferred to the Legal Section of General Headquarters, SCAP.

The *Courts and Law Division*, organized in November 1946, was responsible for supervising the administration of Japanese legal affairs and for advising on revisions of the basic Japanese codes necessitated by the new Constitution. In addition to these functions, this Division soon found itself called upon to advise other SCAP headquarters staff sections on the legal aspects of proposed directives to the Japanese Government and on the constitutional and legal aspects of proposed Japanese legislation in which the various General Headquarters staff sections had an interest. Eventually the Courts and Law Division became one of the largest in the Government Section. By early 1948 the division's primary mission, namely, the basic reform of the Japanese judicial system, had been accomplished. Accordingly, on May 31, 1948, upon General Whitney's recommendation, the personnel and residual functions of the division were transferred to SCAP's Legal Section.

The *Local Government Division*, also one of the first units organized in the Section, was the only one of the

[7]See Administration, paragraphs 8a(5) and 8a(7) below.

original divisions which did not undergo reorganization during the period of its existence. Its original mission was that of abolishing the Regional Governments General (a level of government interposed between the national and local levels for war-time purposes), reorganizing prefectural and local governments to promote greater local autonomy, and instituting local elections This division's chief accomplishment was the encouragement and advice extended to the Japanese Government in the task of establishing a suitable local autonomy law to implement the provisions of the new Constitution providing for local self-government This division also accepted the responsibility of observing local elections and maintaining liaison with the military teams in the field on local government reorganization matters The discharge of those functions required extensive travel on the part of the personnel of the division and necessitated frequent lecture appearances at Army, Corps, Division and Military Government Team headquarters as well as before Prefectural and municipal legislative assemblies With the passage by the second National Diet of a series of amendments to the Local Autonomy Law enumerating specifically the powers and sectors of jurisdiction of local public entities, the burden of making autonomous local government a reality passed from the national government to the various localities To assist and advise the local governments in the exercise of their new powers, the Local Government Division's functions and personnel were transferred on June 30, 1948 to the Eighth Army, where they could work directly with the regional and military government teams posted throughout Japan as well as with local government bodies

The *Review and Reports Division* was established in February 1946 to prepare reports concerning political and governmental developments in Japan for the use of General Headquarters and for dispatch to Washington and a daily summary for the use of the Supreme Commander In May 1946 it was reorganized as the *Information Management Division* and its duties were expanded to include preparation of daily reports of the Section, action reports to the Chief of Staff, and special reports and surveys for Washington agencies and for General Headquarters In August 1946 all of the duties of this division were made the responsibility of the *Chief Information Officer* of Government Section In February 1947 a new division, the *Special Projects Division*, was created and made responsible for all the functions of the information officer An additional function of this new division was to maintain liaison with the Civil Information and Education Section of SCAP in order to assist in developing domestic information programs relating to governmental and political affairs In November 1947 the Special Projects Division was redesignated as *Public Affairs Division* at which time it assumed the additional responsibility of assisting the League of Political Education for Democracy created by the Diet in August 1947 for the purpose of developing a comprehensive political education program for the Japanese

6 Personnel

Aside from organizational flexibility the Government Section enjoyed a degree of compactness which greatly facilitated its operations The original intent was to keep the Section's functions entirely on a policy advisory level Inevitably, however, some staff activities of a more or less operational character were assumed, as when it became necessary actually to review a large proportion of the Japanese Government's decisions in the administration of the purge, or when the Section undertook to supervise the observation of the general elections by the Occupation Forces, and again when the Civil Service Division established pioneer schools to train key personnel of the Japanese civil service system to administer the reforms introduced by the National Public Servants Law But for these exceptional measures, however, the original design was followed This made it possible to accomplish the Section's mission with a mere handful of individuals in key positions assisted by a relatively small number of professional and administrative personnel Thus in January 1948, at the peak of its personnel strength, the Section numbered no more than 120 persons, carrying 68 professional and 52 administrative and clerical ratings By the middle of 1948, as a result of liquidating divisions and abolishing positions as fast as their purpose had been accomplished, the total personnel strength of the Section had been reduced by fifty percent

The personnel composition of the Section makes an interesting study The original staff was entirely military, consisting of both Army and Navy officers and enlisted men Most of the officers held either temporary or reserve commissions, and their civilian backgrounds were truly varied, including federal, state and municipal government service, business and universities The majority of them, prior to being assigned to Japan, had received special training in military government or had served in military government or civil affairs posts in the European Theater, the Philippines or the War Department

As time went on a process of "civilianization" set in Administrative and clerical as well as professional personnel skilled in various fields of government and political science recruited through the War Department in Washington began to arrive in late December 1945 Further, as terms of military service expired most of the key personnel remained at their posts in civilian status until their missions were accomplished

7 Operational Practices

General Whitney's foreword, "The Philosophy of the Occupation," bears witness to General MacArthur's "devotion to the integrity of the civil process of government" and attests to the influence of this philosophy on the fundamental decisions underlying the conduct of the

Occupation of Japan. It has been noted how the Supreme Commander aimed to give the Japanese authorities, with the least delay, the greatest possible autonomy in the conduct of their civil government.

Democracy by military directive is something new in history. Yet that is exactly what the situation in Japan called for. There had been no internal revolution preceding or accompanying the surrender. The ruling classes were still in control when the Occupation began. That these persons would on their own initiative effect any fundamental reforms was not to be expected. Consequently, as General Whitney points out in his essay, the first few months saw the issuance of a series of formal SCAP directives to the Japanese Government "to establish the broad outline of reformation desired in Japan's political, economic and social life. Thereafter, once this outline was established, he (MacArthur) shifted the emphasis from direction to leadership." The Japanese were given the responsibility for carrying out the policies and reaching the goals laid down in the Supreme Commander's directives. They were to be given every opportunity to carry out this responsibility. If they failed they would be superseded. But in internal administrative matters they were to be allowed to conduct their own affairs without being either hindered or pampered by the Occupation authorities.

The Government Section, because of the very nature of its mission, was peculiarly conscious of the need to foster among Japanese public officials democratic habits of thought and action in governmental affairs. In the beginning the Government Section originated or participated in the formulation of some fifty SCAP directives to the Japanese Government. In the Spring of 1946, however, after the Government's draft of the new Constitution was submitted to the people's representatives in the Diet, the Section abandoned the use of directives, formal or informal, in favor of suggestion, persuasion or advice. In those rare instances where resort was had to a directive, it was to serve some special purpose such as overcoming some concrete manifestation of bureaucratic inertia or sparing the government the risk of political embarrassment if it sponsored some particular SCAP-desired action which was anticipated to prove unpopular.

Even the practice of offering suggestions or advice was limited to matters in which a legitimate Occupation interest was believed to exist. Where some Occupation objective or policy was not involved, that is to say, where the subject was deemed to be of purely Japanese internal political, governmental or administrative concern, intervention was avoided. On some occasions, as noted in the section of this report dealing with the National Diet, adherence to this policy led the Government Section to take staff action to insulate the Japanese governmental agencies against unwarranted pressures from Occupation officials. On other occasions the integrity of the Japanese governmental processes had to be protected against the Japanese themselves. This was when Japanese officials, perhaps following old habits of securing prior clearance from higher authority before proposing some governmental measure, or because they felt the need of SCAP's sanction to overcome actual or anticipated internal opposition, or merely to minimize their own responsibility, submitted for decision or "advice" questions which had no discernible relation to any known Occupation objective. On such occasions the advice they got was to let the properly constituted agencies of government make the decisions and supply the answers.

The response to this treatment was one of the most satisfying experiences in the Government Section's part in the Occupation. Responsible Japanese public officials —legislative, executive and judicial—with whom the Section was in frequent contact came to exhibit growing familiarity with the principles and processes of representative government. By the middle of 1948 there was no occasion to doubt that they understood how representative democratic government operates.

8. Administration

Note. The documents listed below—concerning the mission, functions, operations and personnel of the Government Section—are reproduced in Appendices G: 8a (1) to (7) inclusive, G: 8b (1) to (7) inclusive, G: 8c and G: 8d.

a. GHQ, SCAP General Orders and Staff Memorandums:

(1) General Orders No. 8, October 2, 1945: Government Section.

(2) Staff Memorandum No. 13, January 11, 1947: Removal and Exclusion of Undesirable Japanese Personnel from Governmental and Influential Private Positions.

(3) General Orders No. 1, February 13, 1947: I. Rescission of General Orders No. 8, 1945, II. Government Section.

(4) Staff Memorandum No. 22, February 13, 1947: Military Government in Korea and the Ryukyu Islands.

(5) Staff Memorandum No. 29, March 20, 1947: Staff Responsibility for Japanese Legislation.

(6) General Orders No. 10, June 23, 1947: I. Rescission of General Orders No. 1, 1947: II. Government Section.

(7) Staff Memorandum No. 81, October 1, 1947: Curtailment of Scope of Japanese Cabinet Orders.

b. Government Section Internal Administrative Orders and Memorandums:

(1) Public Administration Branch Organization Chart as of December 1, 1945.

(2) Public Administration Division Organization, Functions and Roster of Assignments, February 1, 1946.

(3) Government Section Administrative Memorandum No. 19, February 4, 1946: Personnel Assignments.

(4) Government Section Administrative Memorandum No. 20, December 4, 1947: Organization of Government Section.

(5) Public Administrative Division Memorandum No 1, July 19, 1946 Secretariat for the Provisional Legislative Investigating Committee

(6) Government Section Memorandum, June 30, 1946 Constitutional Committees

(7) Public Administration Division Roster of Assignments, August 1, 1946

c Citations and Awards

d Directory of Personnel who served in Government Section at any time between October 2, 1945 and September 2, 1948 (not an Organization Roster as of any given date)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500
2 October 1945.

General Orders
No. 8

GOVERNMENT SECTION

1 The Government Section is established as a special staff section of this headquarters to advise the Supreme Commander for the Allied Powers as to the status of and the policies pertaining to Military Government in Korea and the internal structure of civil government in Japan.

2 In regard to Korea, it will be the function of the Government Section to:

a Maintain close liaison on matters of military government with the United States Army Forces in Korea, including the arrangement of temporary duty tours in Korea for officers of the Section and for the interchange of personnel between Korea and the Section

b Act as an agency for:

(1) Information relative to current Military Government operations in Korea for consultation and reference by other staff sections

(2) Expediting matters relating to Military Government in Korea which pertain to more than one staff section in the office of the Supreme Commander

(3) Preparing, reviewing and processing reports relative to the military government operation in Korea

c Advise the Supreme Commander for the Allied Powers on the development and progress of Military Government in Korea and recommend action in furtherance of the occupation mission.

3 In regard to Japan, it will be the function of the Government Section to.

a Investigate, study and advise the Supreme Commander for the Allied Powers in general with respect to the structure of civil government in Japan and in particular with respect to:

(1) Relationship of civil government to military affairs and the control of military forces

(2) Relationship of the Imperial Japanese Government to subordinate governmental agencies or subdivisions (including regions, prefectures and municipalities), the methods and degree of centralized control, and the nature and extent of feudal and totalitarian practices

(3) Relationship of the Imperial Japanese Government and subordinate governmental agencies or subdivisions to the people (including the degree and type of representation of the people in government)

(4) Relationship of government to business, the methods and degree of control by the Imperial Japanese Government and subordinate governmental agencies or subdivisions over business (including financial regulations, subsidies, and other devices for the control and manipulation of industry)

b Make recommendations for.

(1) The demilitarization of the Imperial Japanese Government and all subordinate governmental agencies and subdivisions

(2) The decentralization of the Imperial Japanese Government and the encouragement of local responsibility

(3) The elimination of the feudal and totalitarian practices which tend to prevent government by the people

(4) The elimination of those relationships between government and business which tend to continue the Japanese war potential and to hamper the achievement of the objectives of the occupation

BY COMMAND OF GENERAL MACARTHUR:

R. K. SUTHERLAND,
Lieutenant General, United States Army,
Chief of Staff.

OFFICIAL.
B. M. FITCH,
Brigadier General, U S. Army, Adjutant General.

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS
AND
FAR EAST COMMAND

APO 500
11 January 1947

AG 091 1 (11 Jan 47) CIS
Staff Memorandum
No 13

(SCAP)
REMOVAL AND EXCLUSION OF UNDESIRABLE JAPANESE PERSONNEL FROM GOVERNMENTAL AND INFLUENTIAL PRIVATE POSITIONS

1 a *Rescissions* The following Staff Memorandums, General Headquarters, Supreme Commander for the Allied Powers, are rescinded

(1) Staff Memorandum 2, General Headquarters, Supreme Commander for the Allied Powers, 21 January 1946

(2) Staff Memorandum 6, General Headquarters, Supreme Commander for the Allied Powers, 5 February 1946

b *References*

(1) Memorandum for the Imperial Japanese Government, file AG 091 1 (4 Jan 46) GS, 4 January 1946 (SCAPIN 548), subject 'Abolition of Certain Political Parties, Associations, Societies and Other Organizations "

(2) Memorandum for the Imperial Japanese Government, file AG 091 1 (4 Jan 46) GS, 4 January 1946 (SCAPIN 550) subject Removal and Exclusion of Undesirable Personnel from Public Office "

2 *General Application* The directives (SCAPIN 548 and SCAPIN 550) place the initial responsibility for making decisions on subject removals on the Imperial Japanese Government and to provide the machinery whereby General Headquarters may review those decisions All Japanese making inquiries or requests for opinions will be referred to the Imperial Japanese Government

3 *Staff Responsibility of the Government Section* a The Government Section is charged with staff responsibility under the reference directives for all matters relating to the removal and exclusion of Japanese personnel from national and local elective and appointive posts and influential political and economic positions

b It will advise the Japanese Government relative the administration of SCAPIN 548 and SCAPIN 550 and the ordinances and plans submitted by the Imperial Japanese Government implementing the same

c All interpretations, opinions, instructions and questionnaires with attached record cards relating to the application of the reference directives, will be given to or received from the Imperial Japanese Government by the Government Section It will furnish copies of such questionnaires and attached record cards to the Civil Intelligence Section for its files

d In carrying out the above responsibilities the Government Section will secure the advice and recommendations of such interested staff sections as possess expert knowledge in their special fields, concerning all matters relating to the scope of screening and the timing of removal and exclusion of personnel as it affects current and prospective programs

BY COMMAND OF GENERAL MACARTHUR

PAUL J MUELLER,
Major General, General Staff Corps,
Chief of Staff

OFFICIAL
(S) John B Cooley,
JOHN B COOLEY,
Colonel, AGD, Adjutant General

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500,
13 February 1947.

General Orders
No. 1

I. RESCISSION OF GENERAL ORDERS

General Orders 8, General Headquarters, Supreme Commander for the Allied Powers, 2 October 1945, is rescinded.

AG 300 (13 Feb. 47)SGS.

II. GOVERNMENT SECTION

1. The Government Section is established as a special staff section of this headquarters to advise the Supreme Commander for the Allied Powers as to the status of and the policies pertaining to the internal structure of civil government in Japan.

2. It will be the function of the Government Section to:

a. Investigate, study and advise the Supreme Commander for the Allied Powers in general with respect to the structure of civil government in Japan and in particular with respect to:

(1) Relationship of civil government to military affairs and the control of military forces.

(2) Relationship of the Imperial Japanese Government to subordinate governmental agencies or subdivisions (including regions, prefectures and municipalities), the methods and degree of centralized control, and the nature and extent of feudal and totalitarian practices.

(3) Relationship of the Imperial Japanese Government and subordinate governmental agencies or subdivisions to the people (including the degree and type of representation of the people in government).

(4) Relationship of government to business, the methods and degree of control by the Imperial Japanese Government and subordinate governmental agencies or subdivisions over business (including financial regulations, subsidies, and other devices for the control and manipulation of industry).

b. Make recommendations for:

(1) The demilitarization of the Imperial Japanese Government and all subordinate governmental agencies and subdivisions.

(2) The decentralization of the Imperial Japanese Government and the encouragement of local responsibility.

(3) The elimination of the feudal and totalitarian practices which tend to prevent government by the people.

(4) The elimination of those relationships between government and business which tend to continue the Japanese war potential and to hamper the achievement of the objectives of the occupation.

AG 323.361 (13 Feb. 47)SGS

BY COMMAND OF GENERAL MACARTHUR:

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:
(S) John B. Cooley,
JOHN B. COOLEY,
Colonel, AGD, Adjutant General.

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS
AND
FAR EAST COMMAND

APO 500,
13 February 1947

AG 014 1 (13 Feb 47) SGS
Staff Memorandum
No 22

(SCAP & FEC)

MILITARY GOVERNMENT IN KOREA AND THE RYUKYU ISLANDS

1 Rescission Staff Memorandum 52, General Headquarters, Supreme Commander for the Allied Powers, and United States Army Forces, Pacific, 2 December 1946, is rescinded

2 The Deputy Chief of Staff, Supreme Commander for the Allied Powers, is charged with primary staff responsibility at this headquarters for coordination of matters pertaining to military government in Korea and in the Ryukyu Islands, south of 30° North latitude

3 The personnel presently assigned to the Korean Division, Government Section, and the pertinent files of that division, will be transferred to the Office of the Chief of Staff, Supreme Commander for the Allied Powers

4 Special Staff Sections of General Headquarters, Supreme Commander for the Allied Powers, will furnish technical advice and assistance, as required, on matters pertaining to military government in Korea and the Ryukyu Islands

BY COMMAND OF GENERAL MACARTHUR

PAUL J MUELLER,
Major General, General Staff Corps,
Chief of Staff

OFFICIAL
(S) John B Cooley,
JOHN B COOLEY,
Colonel, AGD, Adjutant General

Appendix G: 8a (5)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
AND
FAR EAST COMMAND

AG 320 (18 Mar. 47) GS
Staff Memorandum
No. 29

APO 500,
20 March 1947.

(SCAP)
STAFF RESPONSIBILITY FOR JAPANESE LEGISLATION

1. Reference. Memorandum for the Imperial Japanese Government, file AG 601 (22 Oct 45) GS (SCAPIN 179), 22 October 1946, subject, "Proceedings of the Diet."

2. General Application. The directive (SCAPIN 179) establishes the policy of this Headquarters to supervise the legislative process and proceedings of the National Diet of Japan.

3. Purpose. Under the new Constitution of Japan the Diet is the highest organ of state power and the sole law-making organ of the State. The purpose of this staff memorandum is to fix the relationship between this Headquarters and the Diet and to establish staff responsibility for dealing with proposed legislation. Nothing herein shall be construed to alter existing procedure under which technical discussions on proposed legislation are carried on between staff sections and appropriate ministries of the Japanese Government.

4. Staff Responsibility. The Government Section is charged with staff responsibility for all matters relating to the Diet and will advise the House of Representatives and the House of Councillors on bills proposed by or to the Diet for enactment into law.

5. Coordination. No proposed legislation, whether in the form of a bill or other act of government (except Ministerial ordinances, instructions, or regulations under existing laws) will be approved by any staff section without coordination with the Government Section.

BY COMMAND OF GENERAL MACARTHUR:

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:
JOHN B. COOLEY,
Colonel, AGD, Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

General Orders
No 10

APO 500,
23 June 1947

	Section
Rescission of General Orders	I
Government Section	II

I RESCISSION OF GENERAL ORDERS

General Orders 1, General Headquarters, Supreme Commander for the Allied Powers, 13 February 1947, is rescinded

AG 300 (23 June 47)SGS

II GOVERNMENT SECTION

1 The Government Section is established as a special staff section of this headquarters to advise the Supreme Commander for the Allied Powers as to the status of and the policies pertaining to the internal structure of civil government in Japan

2 It will be the function of the Government Section to

a Invesitgate, study, and advise the Supreme Commander for the Allied Powers in general with respect to the structure of civil government in Japan, and in particular with respect to

(1) Relationship of civil government to military affairs and the control of military forces

(2) Relationship of the Japanese Government to subordinate governmental agencies or subdivisions (including regions, prefectures and municipalities), the methods and degree of centralized control, and the nature and extent of feudal and totalitarian practices

(3) Relationship of the Japanese Government and subordinate governmental agencies or subdivisions to the people (including the degree and type of representation of the people in government

(4) Relationship of government to business, the methods and degree of control by the Japanese Government and subordinate governmental agencies or subdivisions over business (Including financial regulations, subsidies, and other devices for the control and manipulation of industry)

(5) Relationship of the laws, policies, practices, procedures and other factors in the personnel administration of the Japanese Government to democratic precepts and the integrity and efficiency of administration

b Make recommendations for

(1) The demilitarization of the Japanese Government and all subordinate governmental agencies and subdivisions

(2) The decentralization of the Japanese Government and the encouragement of local responsibility

(3) The elimination of the feudal and totalitarian practices which tend to prevent government by the people

(4) The elimination of those relationships between government and business which tend to continue the Japanese war potential and to hamper the achievement of the objectives of the occupation

(5) The revision and supplementation as necessary of the laws, policies, practices, and procedures affecting personnel administration of the Japanese Government for the purpose of assuring conformity to democratic precepts and the making of a maximum contribution to the integrity and efficiency of administration, and the implementation of decisions made with respect to this subject matter by the Supreme Commander for the Allied Powers

AG 323 361 (23 June 47)SGS

BY COMMAND OF GENERAL MACARTHUR

PAUL J MUELLER,
Major General, General Staff Corps,
Chief of Staff

OFFICIAL
(S) R M Levy,
R M LEVY,
Colonel, AGD, Adjutant General

Appendix G 8a (7)

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

AND

FAR EAST COMMAND

AG 091.1 (25 Sep 47) GS
Staff Memorandum
No. 81

APO 500,
1 October 1947.

(SCAP)

CURTAILMENT OF SCOPE OF JAPANESE CABINET ORDERS

1. Article 41 of the new Japanese Constitution establishes the Diet as the sole law-making authority of the Japanese State. The practice of the Japanese Government of issuing cabinet orders dealing with matters of substantive right is irreconcilable with this basic principle and with other constitutional safeguards for the protection of the people.

2. Accordingly, staff sections should not encourage or approve any cabinet order unless it:

a. Is specifically authorized by statute which defines the scope and standards to be applied to such order, or

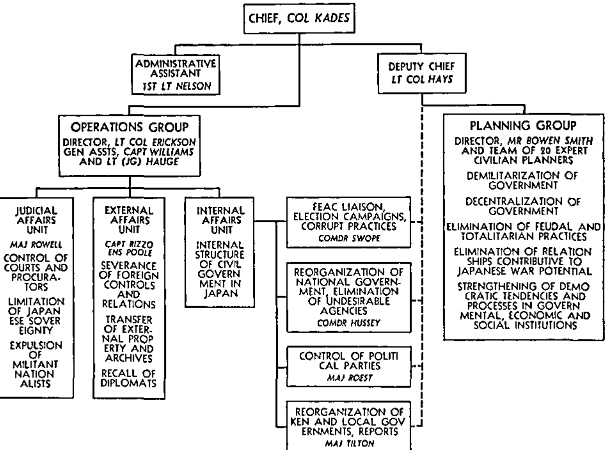
b. Deals with matters which are purely administrative in nature and do not impair, alter, or abridge the liberty or the property of individuals.

3. The Chief, Government Section, General Headquarters, Supreme Commander for the Allied Powers, is responsible for determining whether a proposed measure should be adopted as a cabinet order or should be handled as a bill in the Diet.

BY COMMAND OF GENERAL MACARTHUR:

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:
(S) R. M. LEVY,
Colonel, AGD, Adjutant General.


PUBLIC ADMINISTRATIVE BRANCH
OF THE GOVERNMENT SECTION
CHIEF, COL KADES
ADMINISTRATIVE ASSISTANT
1ST LT NELSON
DEPUTY CHIEF
LT COL HAYS
OPERATIONS GROUP
DIRECTOR, LT COL ERICKSON
GEN ASSTS, CAPT WILLIAMS AND LT (JG) HAUGE
PLANNING GROUP
DIRECTOR, MR BOWEN SMITH AND TEAM OF 20 EXPERT CIVILIAN PLANNERS
DEMILITARIZATION OF GOVERNMENT
DECENTRALIZATION OF GOVERNMENT
ELIMINATION OF FEUDAL AND TOTALITARIAN PRACTICES
ELIMINATION OF RELATION SHIPS CONTRIBUTIVE TO JAPANESE WAR POTENTIAL
STRENGTHENING OF DEMO CRATIC TENDENCIES AND PROCESSES IN GOVERN MENTAL, ECONOMIC AND SOCIAL INSTITUTIONS
JUDICIAL AFFAIRS UNIT
MAJ ROWELL
CONTROL OF COURTS AND PROCURA-TORS
LIMITATION OF JAPAN ESE SOVER EIGNTY
EXPULSION OF MILITANT NATION ALISTS
EXTERNAL AFFAIRS UNIT
CAPT RIZZO
ENS POOLE
SEVERANCE OF FOREIGN CONTROLS AND RELATIONS
TRANSFER OF EXTER-NAL PROP ERTY AND ARCHIVES
RECALL OF DIPLOMATS
INTERNAL AFFAIRS UNIT
INTERNAL STRUCTURE OF CIVIL GOVERN MENT IN JAPAN
FEAC LIAISON, ELECTION CAMPAIGNS, CORRUPT PRACTICES
COMDR SWOPE
REORGANIZATION OF NATIONAL GOVERN-MENT, ELIMINATION OF UNDESIRABLE AGENCIES
COMDR HUSSEY
CONTROL OF POLITI CAL PARTIES
MAJ ROEST
REORGANIZATION OF KEN AND LOCAL GOV ERNMENTS, REPORTS
MAJ TILTON

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

1 February 1946.

Memorandum for the Chief, Government Section:

SUBJECT: ORGANIZATION OF PUBLIC ADMINISTRATION DIVISION

1. Effective immediately, the Public Administration Division (PAD) will consist of the Chief, Deputy Chief, and six branches, as follows:

a. Legislative and Liaison Branch.
b. Political Parties Branch.
c. Governmental Powers Branch.
d. Local Government Branch.
e. Opinions Branch.
f. Review and Reports Branch.

2. The *Chief*, PAD, informs and advises the Chief, Government Section, on those civil affairs and military government matters in Japan assigned to the Government Section by paragraphs 1 and 3 of G. O. No. 8, GHQ, SCAP, by Annex A of Staff Memorandum No. 6, GHQ, SCAP, and on such other subjects as may from time to time be assigned to the PAD by the Chief, Government Section.

3. The *Deputy Chief* assists the Chief in carrying out his responsibilities, supervises administration and security matters within PAD, and exercises general charge, through branch chiefs, of plans and projects initiated by or submitted to PAD.

4. The *Legislative and Liaison Branch* (a) maintains lisiaon with the Bureau of Legislation of the Cabinet and with civil service administrators in the Ministries; (b) collects and supervises dissemination of proposed legislation pending in the Diet; (c) monitors election campaigns and exercises supervision to prevent corrupt practices; and (d) maintains liaison with the Allied Council for Japan and the Far Eastern Commission.

5. The *Political Parties Branch* (a) observes and otherwise keeps informed of the activities of political parties; (b) reviews and takes necessary action with reference to the registration statements and current declarations filed by political parties and other societies and organizations; and (c) dissolves and prevents the formation of secret, militaristic, ultranationalistic and antidemocratic societies, associations and organizations.

6. The *Governmental Powers Branch* (a) prepares plans, policies, directives and implementing instructions for the reform of the Japanese governmental system (including the separation of executive, legislative and judicial powers and the enumeration of fundamental civil and political rights); (b) causes the abrogation of laws prejudicial to the achievement of occupation policies; (c) considers proposals relating to the position of the Imperial institution, household and family; and (d) is responsible for the control of criminal and civil courts and removal and replacement of unacceptable court personnel and procurators.

7. The *Local Government Branch* (a) advises on policies pertaining to the reorganization of Prefectural and municipal governmental subdivisions; and (b) initiates timely plans and recommendations for the popular election or local appointment of local officials and the institution of local elections.

8. The *Opinions Branch* (a) interprets directives prepared in the Government Section to the GHQ staff sections and, if appropriate, to the Japanese Government, preparing formal opinions upon official request; (b) considers directives and interpretations thereof prepared by other GHQ staff sections and (in coordination with the appropriate branches) prepared concurrences, non-concurrences, or comments thereon; and (c) prepares and accepts special assignments for the Chief and Deputy Chief.

9. The *Review and Reports Branch* (a) reviews at periodic intervals the work of PAD and on the basis thereof prepares an insert for the daily telegram and a chapter for the monthly summation of GHQ activities; (b) reviews Japanese press editorials, news reports and letters to the Supreme Commander, and on the basis thereof prepares a daily summary; (c) reviews at weekly intervals recent political developments in Japan; and (d) is responsible for maintaining the Policy Book.

10. A roster of assignments is inclosed as Tab "A."

CHAS. L. KADES,
Colonel Inf.
Chief, Pub. Adm. Div.

Incl. 1—Tab "A."
Roster of Assignments.

Tab A

PUBLIC ADMINISTRATION DIVISION

Roster of Assignments

Chief Col Chas L Kades

Deputy Chief Lt Col Frank E Hays

Legislative and Liaison Branch
Chief Comdr Guy J Swope
Capt Justin Williams
1st Lt Milton J Esman
Miss Gertrude Norman

Political Parties Branch
Chief Lt Col Pieter K Roest
Dr Harry Emerson Wildes
Miss Beate Sirota

Governmental Powers Branch
Chief Comdr A R Hussey, Jr
1st Lt George A Nelson, Jr
Dr Cyrus H Peake
Dr Alfred Oppler
Mr Jacob I Miller
Miss Ruth A Ellerman

Local Government Branch
Chief Major Cecil G Tilton
Mr Philip O Keeney
Lt Comdr Roy L Malcolm
Miss Margaret Stone

Opinions Branch
Chief Capt Frank Rizzo
Ensign Richard A Poole
Miss Eleanor Hadley

Review and Reports Branch
Chief Lt Osborne I Hauge

General Headquarters Supreme Commander for the Allied Powers
Government Section

4 February 1946.

Administrative Memorandum No. 19

SUBJECT: PERSONNEL ASSIGNMENTS

1. The following officer personnel assignments are announced:

Chief, Government Section	Brig. Gen. Courtney Whitney
Deputy Chief	Col. B. E. Clarke
Administrative Assistant	Miss S. M. Hayes
Executive Officer	Lt. Col H. E. Robison
Administrative Officer	Lt. Col. T. Y. Horton
Liaison Officer	Maj. J. G. Marr
Librarian-Historian	Lt. C. Lloyd-Jones (WAC)
Korean Division	Lt. Col. C. D. March (Chief)
	Lt. Col. E. S. Bibb
	Lt. Comdr. H. E. Stevens
	Maj. N. W. Stalheim
	Capt. F. V. Cahill, Jr.
	Capt. W. H. Fielding
Public Administration Division	Col. C. L. Kades (Chief)
	Lt. Col. F. E. Hays
Legislative and Liaison Branch	Comdr. G. J. Swope
	Capt. J. Williams
	Lt. M. J. Esman
	Miss G. Norman
Political Parties Branch	Lt. Col. P. K. Roest
	Dr. H. E. Wildes
	Miss B. Sirota
Governmental Powers Branch	Comdr. A. R. Hussey, Jr.
	Lt. G. A. Nelson, Jr.
	Dr. C. H. Peake
	Mr. J. I. Miller
	Miss R. A. Ellerman
Local Government Branch	Maj. C. G. Tilton
	Lt. Comdr. R. L. Malcolm
	Mr. P. O. Keeney
	Miss M. Stone
Opinions Branch	Capt. F. Rizzo
	Ensign R. A. Poole
Review and Reports Branch	Lt. (j.g.) O. I. Hauge

Courtney Whitney,
Brigadier General, U.S. Army,
Chief, Government Section

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

4 December 1947

Administrative Memorandum No GS-20

SUBJECT ORGANIZATION OF GOVERNMENT SECTION

1. Effective this date, the Government Section will be composed of the Section Chief, the Deputy Chief, the Executive Officer, Special Advisers, and ten divisions as follows

Administrative Division
Civil Service Division
Courts and Law Division
Governmental Powers Division
Legislative Division
Local Government Division
National Government Division
Political Affairs Division
Public Affairs Division
Public Service Qualifications Division

2 *The Deputy Chief* informs and advises the Chief, Government Section, on civil affairs and represents and acts for the Section Chief during his absence

3 *The Executive Officer*, under the direction of the Section Chief, coordinates all activities of Government Section, including civil service, and forms policies for the Section in all matters pertaining to administration and personnel Maintains continuing liaison with all other staff sections, conducts conferences on matters of high level planning, advises Section Chief in matters pertaining to personnel and administration, and acts in the name of the Section Chief

4 *The Special Advisers* undertake special assignments on economic, political and governmental affairs at the request of the Section Chief, and advise concerning policy matters

5 The Divisions perform the following functions, in addition to carrying out such special assignments as may be made from time to time

a *The Administrative Division* is responsible for organizing, directing and establishing the policy for the division and for the selection and appointment of personnel for the Section This division supervises the preparation and maintenance of personnel and supply records and requisitions and initiates pertinent reports and correspondence Maintains statistical records and prepares comprehensive reports based upon analyses and evaluation thereof, reviews all actions taken by the Japanese Government, or its instrumentalities or agencies on matters not specifically assigned to other divisions of the Sec[illegible] [illegible]

all visitors to the proper person or division The Administrative Division maintains contact with other staff sections and is responsible for advising the Section Chief on all matters pertaining to personnel and administration

b *The Civil Service Division* is responsible for introducing, developing and effectuating a personnel program which is technically and administratively sound and meets the legal and practical needs of the Japanese situation Is responsible for studying, planning, recommending and advising on the development and installation of an adequate system for the collection and analysis of personnel statistics, the establishment of comprehensive classification and compensation plans for the Japanese Government and the establishment of examining and training divisions and programs

c *The Courts and Law Division* is responsible for policies of the Japanese Government pertaining to the administration of justice, including civil liberties, and reviews specific actions of the Attorney General s Office, the courts and procurators

d *The Governmental Powers Division* is responsible for studies and reports on constitutional law and constitutional development and fundamental policies with respect to demobilization and demilitarization of the Japanese Government, and recommends policies concerning relationship between government and business and the Imperial institutions Advises as to the policies concerning termination of Zaibatsu family control over Zaibatsu enterprises

e *The Legislative Division* is responsible for building up the Diet as the chief organ of state power and for advising both Diet and Cabinet members in the proper use of the parliamentary principles Prepares analyses of the national political situation as reflected in the Diet for the Supreme Commander and the Section Chief, and reports the daily activities of the Diet for all GHQ Staff Sections Implements Staff Memorandum No 29, AG 320 (18 Mar 47) GS, and Staff Memorandum No 21, AG 091 1 (25 Sept 47) GS Makes recommendations concerning legislation pertaining to agriculture, forestry, fisheries, mining, communications, transportation and Diet-proposed amendments to GHQ-sponsored legislation

f *The Local Government Division* is responsible for di[illegible]

Japanese governmental officials and with all local officials Reviews all major legislation for all functions of government in the field of local autonomy, for example education, health and welfare, police, fire, traffic con-

trol, taxation, financing, licensing, labor, political parties, cooperatives, land reform, fishing rights reform, mutual insurance, temporary housing, city and town planning and commerce and industry.

g. *The National Government Division* is responsible for advising on policies relating to internal structure of national government; recommending measures for elimination of undesirable or undemocratic administrative procedures or practices; supervising the major reform and reorganization of national ministries and other executive agencies made necessary by the institution of autonomous governments in prefectures and municipalities. Reviews bills presented to the Diet for accomplishment of these objectives. Represents Section Chief in conferences with high officials of Japanese government and representatives of other staff sections in matters pertaining to organization and operating techniques of national government. Advises jointly with Courts and Laws and Legislative Divisions on policies concerning separation of powers between executive, legislative, and judicial branches, with particular reference to the relationship of the executive branch to the legislative and judicial branches of government. Is responsible for developing and directing SCAP surveillance programs for national elections.

h. *The Political Affairs Division* is responsible for promoting the development and adoption of sound democratic programs, organization and practices by political parties. Keeps informed of and evaluates the activities, composition, strength, importance, platforms and objectives of political parties and reports developments and evaluations thereof. Reviews and takes necessary action with reference to registration statements and current declarations filed by political parties and other societies and organizations. Maintains liaison with key party representatives of registered political parties and advises on matters concerning their internal organization and activities.

i. *The Public Affairs Division* is responsible for developing and executing long-range programs designed to achieve occupation objectives in the fileds of government and politics, especially with regard to popular understanding of the principles and techniques of democratic government and the duties and responsibilities of citizens under the terms of the new Constitution. Formulates programs designed to inform and interpret for Military Government units the meaning and implications of new or pending legislation, political developments, local government and court reforms, etc. Prepares daily news summaries for use of the Supreme Commander and the Section Chief, dispatches bi-weekly radio report to Washington describing and analyzing governmental affairs; prepares weekly and monthly analyses of governmental affairs to inform and advise the Supreme Commander, the War Department and Joint Chiefs of Staff concerning the current governmental and political situation in Japan; and undertakes special assignments for the Chief and Deputy Chief of Government Section.

j. *The Public Service Qualifications Division* is responsible for insuring Japanese Government compliance with SCAP directives requiring: (a) The removal of exponents of ultranationalism and aggression from local and national public life, from politics, industry and the field of public information. (b) The dissolution of organizations which foster militarism, nationalism or hostility to the Occupation.

Courtney Whitney,
Brigadier General, U. S. Army,
Chief, Government Section

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

4 December 1947.

GOVERNMENT SECTION

Executive Group

Name	*Title*
Courtney Whitney, Brig Gen	Chief
Charles L Kades.	Deputy Chief
Carl Darnell, Jr, Lt Col	Executive Officer
Frank Rizzo	Special Assistant
Marion P Echols, Col	Special Advisor
Frank E Hays	Special Advisor
Makoto Matsukata	Research Analyst
Sheilah M Hayes	Adm Asst to Chief of Section
Ruth Hays	Adm Asst

Administrative Division

Frank R Harrison, Lt Col	Chief, Adm Division
Robert E Melvin, Capt	Deputy Chief, Adm Div
Thomas McLendon, T/Sgt	Adm Asst
Hazel L Morris	Personnel Coord
Shirley A Richard	Conference Steno
Elizabeth M Robbins	Conference Steno
Harold T Bettencourt	Chief Clerk
Ralph Barsanti, T/5	Asst Chief Clerk
Louise P Perzel	Personnel Clerk
Ruth M Grahamslaw	Clerk Steno
Anne Vennett	Clerk Steno
June E Baker	Clerk Steno
Enid S Peterson	Clerk (Timekeeper-receptionist)
Agnes T Spouse	Chief File Clerk
Harry M Scolinos	File Clerk
Richard Barta, Pfc	File Clerk
Masako F Sato	Clerk-Steno
Fred A Daniel, Pfc	Supply Sgt
William Roach, Pfc	Supply Clerk
Michael Urquhart, Pfc	Supply Clerk

Interpreter Pool, Administrative Division

Raymond Y Aka	Chief, Interpreters' Pool
Mutsuya Matsumoto	Translator A
Takao G Shinguchi	Translator A
Yoshikiko Shigemura	Translator B
Kenji Morinaka	Translator B

Governmental Powers Division

Alfred R Hussey, Jr	Chief of Division
Walter E Monagan, Jr	Deputy Chief
Douglas P Campbell	Chief, Civ Lib Br
Annie M Massingill	Adm Asst

Political Affairs Division

Guy J Swope	Chief of Division
Clifford D Avery	Chief, Political Parties Br
Anna M Kachilla	Adm Asst
Margaret J Haverty	Secretary

Local Government Division

Name	*Title*
Cecil G. Tilton	Chief of Division
Robert A. Bieber, Major	Deputy Chief
Michael E. Nolan	Chief, Town and Village Br.
Kenneth E Schnelle	Chief, Municipal Br.
Howard D. Porter	Chief, Prefectural Br.
Roy Harris, Major	Liaison Officer
Arnold W. VanBenschoten	Government Advisor
Maud McKenna	Adm. Asst. & Sec.

Public Service Qualifications Division

Jack Napier, Major	Chief
Roger W Snow, Jr , Major	Deputy Chief
Hans H. Baerwald, 1st Lieut	Language Officer
John H Brady, Jr	Chief, Gov. Ser Br
Arvella C Rainez	Chief, Econ. Br.
Taro Tsukahara	Govt Analyst
Guy A Wiggins	Govt Analyst
Robert W Borman, Capt	Chief, Records & Reports Branch
Anne W Earle	Research Analyst
Yashiteru Kawano	Chief, Screening Pool
Nan L Grindle	Research Analyst
Martha A McGrath	Research Analyst
Hilde K Mueller	Research Analyst
Virginia Schwertzer, Sgt	Research Analyst
William S Tyson, Cpl	Research Analyst
Kirsten E Drivdahl	Adm Asst
Fumi Tajima	Special Clerk
Hatsuye I Ogina	Gen Clerk

Civil Service Division

Blaine Hoover	Chief of Division
Wm Pierce MacCoy	Chief, Gen Pers Adm Br
Robert S Hare	Chief, Class & Com Spec
Harry W Marsh	Chief, Exam Spec
Thomas K Tindale	Chief, Train Branch
MacDonald Salter	Pers. Org. Spec
Thomas L. Eliot	Pers Specialist
Maynard N. Shirven	Exam. Spec
Kesse B Bettis	Compensation Spec
Walter P Domanowski	Compensation Spec
James B. Vaughn	Class. Spec.
Joseph L Speicher	Exam. Spec.
Grace M Pierson	Exam. Spec.
Foster B Roser	Exam. Spec.
Helen R Machin	Adm. Asst.
William Rusteberg, S Sgt	Adm. Asst.
Yoneo J. Narumi	Interpreter
Gilbert T. Suzuki	Interpreter
Yoshimari R. Aka	Interpreter
Rosemary A. Darilek	Chief File Clerk
Margaret H. McMahon	Clerk-Steno
Marcella T. Antony	Clerk-Steno
Mary A. Williams	Clerk-Steno

Civil Service Division (continued)

Name	*Title*
Ella V. Osburn	Clerk-Steno
Margaret E Gibson	Clerk-Steno
Jane B Coyle	File Clerk

Courts and Law Division

Name	*Title*
Alfred C Oppler	Chief, Division
Frank C Novotny, Capt	Special Asst
Arthur J McCormick	Chief, Civil Affairs Br
Thomas L Blakemore	Chief, Crim Affairs Br
Howard Meyers	Chief, Judicial Affairs Br
Richard B Appleton	Chief, Lgl Rvw Coord Br
Jeanne D Connors	Legal Research Asst
Mary C Morgan	Adm Asst
Louise E Patterson	Secretary
Bertie W Butler	Steno
Frank T Yamamoto	Translator

Legislative Division

Name	*Title*
Justin Williams	Chief of Division
Helen Loeb	Chief, Diet Opr & Anl Br
Richard G Brown, Capt	Liaison Officer
Crescenzo Guida, Capt	Liaison Officer
Mildred E Fischer	Adm Asst

Public Affairs Division

Name	*Title*
Osborne L Hauge	Chief of Division
Marcel Grilli	Govt Analyst
Alice G Gordon	Chief, Public Liaison Br
Douglas F Scott	Deputy Chief, Pub. Liaison Br
Moses Burg	Research Analyst
Edna Ferguson	Adm Asst & Ed Clerk
Margaret V Bodinger	Clerk-Steno

National Government Division

Name	*Title*
Carlos P Marcum	Chief of Division
Paul J Kent	Deputy Chief
Thomas Diamantes, Capt	Special Asst
John K McLean	Asst Analyst
Joyce M Durner	Adm Asst

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section, Public Administration Division

19 July 1946.

Administrative Memorandum No. 1.

SUBJECT: SECRETARIAT FOR THE PROVISIONAL LEGISLATIVE INVESTIGATING COMMITTEE.

1. a. The Japanese Government has established by Imperial Ordinance a Provisional Legislative Investigating Committee (PLIC) whose function it will be to investigate and recommend changes in laws directly and indispensably connected with the proposed new Japanese Constitution.

b. The work of the Committee has been divided into four divisions as follows:

Division I: *Imperial Household and Cabinet* (including organization of administrative departments—exclusive of autonomous local Government entities). Director of this Division is Minister Kanamori.

Division II: *Diet* (including establishment of the House of Councillors; rules and regulations for both Houses; and election laws for both Houses). Director is Reikichi Kita (Liberal Party).

Division III: *Judiciary and Codes* (including law for the organization of Courts; civil and criminal procedure; Civil and Penal Code). Director is Chuzabura Arima, a lawyer.

Division IV: *Finance and Other Matters* (miscellaneous). Director is Hiroyoshi Hiratsuka, member of the House of Peers.

Each division has a director, a permanent secretary and CLO liaison representative. The latter will attend committee and division meetings and serve as liaison officers to GHQ, SCAP.

2. For the information and guidance of all concerned there is established in PAD a Secretariat for the Provisional Legislative Investigating Committee (SPLIC) the duties of which will be to maintain surveillance over, and liaison with, the activities of the Provisional Legislative Investigating Committee and to advise when appropriate action should be taken. Whenever required, such action will then be taken through regular channels.

3. The Secretariat will consist of Commander Guy J. Swope, Maj. Frank Rizzo, Mr. Cyrus H. Peake and Mr. Alfred C. Oppler. Each is assigned to a division as follows:

Division I	Mr. Peake
Division II	Comdr. Swope
Division III	Mr. Oppler.
Division IV	Maj. Rizzo

4. Each member of the Secretariat will act as an opposite number to the Director of the Committee division for which responsibility is assigned and also as opposite number to the CLO representative of such division. Nothing in this memorandum in any way affects the authority or functions of the Branch Chiefs of PAD in their respective fields who, along with the Division Chief and Executive Group, will be kept fully informed by the Secretariat.

CHAS. L. KADES,
Colonel, Inf.

GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

30 June 1946

Memorandum Constitutional Committees

Existing records show that the Public Administration Division of Government Section was organized for the preparation of a draft constitution into the following committees.

Steering Committee
Col Charles L Kades
Comdr. Alfred R Hussey, Jr
Lt Col Milo E Rowell
Miss Ruth Ellerman

Legislative Committee
Lt Col Frank E Hays
Comdr Guy J Swope
Lt (JG) Osborne Hauge
Miss Gertrude Norman

Executive Committee
Cyrus H Peake
Jacob I Miller
1st Lt Milton J Esman

Civil Rights Committee
Lt Col Pieter K Roest
Harry Emerson Wildes
Miss Beate Sirota

Judiciary Committee
Lt Col Milo F Rowell
Comdr Alfred R Hussey, Jr
Miss Margaret Stone

Local Government Committee
Maj Cecil G Tilton
Lt Comdr Roy L Malcolm
Mr Philip O Keeney

Finance Committee Capt Frank Rizzo

Committee on the Emperor, Treaties and Enabling Provisions
1st Lt Geo A Nelson, Jr
Ens Richard A Poole

The Preamble
Comdr Alfred R Hussey, Jr

Secretaries
Miss Sheilah Hayes
Miss Edna Ferguson

Interpreters.
1st Lt Joseph Gordon
1st Lt. I Herskowitz

ALFRED R HUSSEY, JR ,
Chief, Governmental Powers Division

PUBLIC ADMINISTRATION DIVISION

1 August 1946.

ROSTER OF ASSIGNMENTS

Chief.................................... Colonel Chas. L. Kades
Chief Plans & Operations Officer............ Lt. Col. Frank E. Hays
Assistant Chief........................... Mr. T. A. Bisson
Assistant Chief........................... Maj. Frank Rizzo
Historian................................ Dr. Harry Emerson Wildes (in addition to other duties)

Governmental Powers Branch:

Comdr. A. R. Hussey, Jr.................... Chief
Dr. Cyrus H. Peake........................ Deputy Chief
Miss Ruth A. Ellerman
Miss Eleanor M. Hadley

Legal Subsection

Judge Alfred Oppler....................... Chief
Mr. T. L. Blakemore

Legislative Branch:

Capt. Justin Williams...................... Chief
Miss Gertrude Norman

Political Parties Branch:

Dr. Pieter K. Roest........................ Chief
Dr. Harry Emerson Wildes
Miss Beate Sirota

Local Government Branch:

Major Cecil G. Tilton...................... Chief
Dr. A. J. Grajdanzev
Lt. Comd. Ralph W. E. Reid

Opinions Branch:

Mr. Carlos P. Marcum..................... Chief
Lt. (jg) Richard A. Poole
Lt. M. J. Esman

Information Management Branch:

Mr. Osborne I. Hauge...................... Chief
Lt. Joseph Gordon (In addition to regular duties)

CITATIONS AND AWARDS TO GOVERNMENT SECTION PERSONNEL

Military

Name	Kind of Award	Date
T/5 Harold T Bettencourt	Certificate of Achievement	12 Aug 46
T/3 Richard V Bierberg	Certificate of Achievement	12 Aug 46
Capt Fred V Cahill	Army Commendation Ribbon	16 Jul 46
W/O Henry A Christopher	Army Commendation Ribbon	13 Aug 46
T/4 Edward P Costlow	Certificate of Achievement	12 Aug 46
Lt Col Carl E Erickson	Legion of Merit	8 Mar 46
1st Lt Milton T Esman	Army Commendation Ribbon	15 Jul 46
Captain William H Fielding	Army Commendation Ribbon	16 Jul 46
S/Sgt Charles C Glunz	Army Commendation Ribbon	15 Jul 46
1st Lt Joseph Gordon	Army Commendation Ribbon	12 Jul 46
T/4 Elwood H Hannah	Certificate of Achievement	12 Aug 46
Major Roy A Harris	Certificate of Achievement	30 June 48
Lt USNR Osborne I Hauge	Army Commendation Ribbon	2 Jul 46
T/4 George Haydu	Certificate of Achievement	12 Aug 46
Lt Col Frank E Hays	Army Commendation Ribbon	17 Jul 46
T/4 Robert L Hershey	Certificate of Achievement	12 Aug 46
1st Lt Irwin I Herskowitz	Army Commendation Ribbon	19 Apr 46
T/4 Jack M Hoyt	Certificate of Achievement	12 Aug 46
Comdr USNR A Rodman Hussey, Jr	Legion of Merit	30 June 46
Col Charles L Kades	Legion of Merit Oak Leaf Cluster	 28 June 46
T/4 Bruno M Koski	Certificate of Achievement	12 Aug 46
T/4 Ernest D Manasse	Certificate of Achievement	12 Aug 46
Major John C Marr	Army Commendation Ribbon	19 June 46
Lt Col Charles D Marsh	Legion of Merit	28 June 46
Captain George A G Nelson	Army Commendation Ribbon	12 Aug 46
Captain Frank C Novotny	Certificate of Achievement	31 May 48
Lt USNR Richard A Poole	Army Commendation Ribbon	22 Jul 46
Maj Frank Rizzo	Legion of Merit	29 June 46
Col Henry E Robinson	Legion of Merit, Oak Leaf Cluster	24 Sep 46
Lt Col Pieter K Roest	Legion of Merit	29 June 46
T/4 Merlin Roth	Certificate of Achievement	12 Aug 46
Lt Col Milo E Rowell	Legion of Merit	23 Feb 46
T/5 Nels L Simpson	Certificate of Achievement	12 Aug 46
Major Nels W Stalheim	Army Commendation Ribbon	17 Jul 46
Comdr USNR Harold E Stevens	Legion of Merit	30 June 46
Comdr USNR Guy J Swope	Legion of Merit	30 June 46
Lt Col Cecil G Tilton	Legion of Merit	28 June 46
Capt Justin Williams	Army Commendation Ribbon	15 Jul 46

Civilians

Name	Kind of Award	Date
Frank E Hays	Award of Meritorious Civilian Service	10 Aug 48
A Rodman Hussey, Jr	Award of Meritorious Civilian Service	3 Jul 48
Carlos P Marcum	Award of Meritorious Civilian Service	3 Jul 48
Alfred Oppler	Award of Meritorious Civilian Service	3 Jul 48
Pieter Roest	Award of Meritorious Civilian Service	28 May 48
Guy T Swope	Award of Meritorious Civilian Service	25 Feb 48
Cecil G Tilton	Award of Meritorious Civilian Service	19 Jul 48

PUBLIC ADMINISTRATION DIVISION

1 August 1946.

ROSTER OF ASSIGNMENTS

Chief.................................... Colonel Chas. L. Kades
Chief Plans & Operations Officer............ Lt. Col. Frank E. Hays
Assistant Chief........................... Mr. T. A. Bisson
Assistant Chief........................... Maj. Frank Rizzo
Historian................................ Dr. Harry Emerson Wildes (in addition to other duties)

Governmental Powers Branch:

Comdr. A. R. Hussey, Jr.................... Chief
Dr. Cyrus H. Peake....................... Deputy Chief
Miss Ruth A. Ellerman
Miss Eleanor M. Hadley

Legal Subsection

Judge Alfred Oppler...................... Chief
Mr. T. L. Blakemore

Legislative Branch:

Capt. Justin Williams..................... Chief
Miss Gertrude Norman

Political Parties Branch:

Dr. Pieter K. Roest....................... Chief
Dr. Harry Emerson Wildes
Miss Beate Sirota

Local Government Branch:

Major Cecil G. Tilton..................... Chief
Dr. A. J. Grajdanzev
Lt. Comd. Ralph W. E. Reid

Opinions Branch:

Mr. Carlos P. Marcum..................... Chief
Lt. (jg) Richard A. Poole
Lt. M. J. Esman

Information Management Branch:

Mr. Osborne I. Hauge..................... Chief
Lt. Joseph Gordon (In addition to regular duties)

CITATIONS AND AWARDS TO GOVERNMENT SECTION PERSONNEL

Military

Name	Kind of Award	Date
T/5 Harold T. Bettencourt	Certificate of Achievement	12 Aug 46
T/3 Richard V Bierberg	*Certificate of Achievement*	*12 Aug 46*
Capt. Fred V Cahill	Army Commendation Ribbon	16 Jul 46
W/O Henry A Christopher	Army Commendation Ribbon	13 Aug 46
T/4 Edward P. Costlow	Certificate of Achievement	12 Aug 46
Lt Col. Carl E Erickson	Legion of Merit	8 Mar 46
1st Lt Milton T Esman	Army Commendation Ribbon	15 Jul 46
Captain William H Fielding	Army Commendation Ribbon	16 Jul 46
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1st Lt Joseph Gordon	Army Commendation Ribbon	12 Jul 46
T/4 Elwood H Hannah	Certificate of Achievement	12 Aug 46
Major Roy A Harris	Certificate of Achievement	30 June 48
Lt USNR Osborne I Hauge	Army Commendation Ribbon	2 Jul 46
T/4 George Haydu	Certificate of Achievement	12 Aug 46
Lt. Col. Frank E Hays	Army Commendation Ribbon	17 Jul 46
T/4 Robert L Hershey	Certificate of Achievement	12 Aug 46
1st Lt Irwin I Herskowitz	Army Commendation Ribbon	19 Apr 46
T/4 Jack M Hoyt	Certificate of Achievement	12 Aug 46
Comdr USNR A Rodman Hussey, Jr	Legion of Merit	30 June 46
Col Charles L Kades	Legion of Merit Oak Leaf Cluster	28 June 46
T/4 Bruno M Koski	Certificate of Achievement	12 Aug 46
T/4 Ernest D Manasse	Certificate of Achievement	12 Aug 46
Major John C Marr	*Army Commendation Ribbon*	*19 June 46*
Lt Col. Charles D Marsh	Legion of Merit	28 June 46
Captain George A G Nelson	Army Commendation Ribbon	12 Aug 46
Captain Frank C Novotny	Certificate of Achievement	31 May 48
Lt USNR Richard A Poole	Army Commendation Ribbon	22 Jul 46
Maj Frank Rizzo	Legion of Merit	29 June 46
Col Henry E Robinson	Legion of Merit, Oak Leaf Cluster	24 Sep 46
Lt Col. Pieter K Roest	Legion of Merit	29 June 46
T/4 Merlin Roth	Certificate of Achievement	12 Aug 46
Lt Col Milo E Rowell	Legion of Merit	23 Feb 46
T/5 Nels L Simpson	Certificate of Achievement	12 Aug 46
Major Nels W Stalheim	Army Commendation Ribbon	17 Jul 46
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Lt Col Cecil G Tilton	Legion of Merit	28 June 46
Capt Justin Williams	Army Commendation Ribbon	15 Jul 46

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Frank E Hays		10 Aug 48
A Rodman Hussey, Jr		3 Jul 48
Carlos P Marcum		3 Jul 48
Alfred Oppler		3 Jul 48
Pieter Roest		28 May 48
Guy T Swope		25 Feb 48
Cecil G Tilton		19 Jul 48

Title	Name	Job title held while in Government Section
Sgt.	Hoyt, Jack M.	Clerk Steno, Adm. Div.
Comdr.	Hussey, Alfred R., Jr.	Chief, Govt. Powers Div. and Special Adviser to Chief, Govt. Sec.
T/3	Irvin, Thomas D.	Clerk, Admin. Div.
Miss	Jackson, Lucille M.	Clerk, Korean Div.
Sgt.	Jennings, John C.	Message Center Clerk, Adm. Div.
Capt.	Jones, Alexander L.	Govt. Analyst, PSQ Div.
Miss	Jones, Rachel J.	Clerk, Civil Service Div.
Miss	Kachilla, Anne M.	Asst. Chief Clerk, Adm. Div.
Colonel	Kades, Charles L.	Deputy Chief, Govt. Sec.
Mr.	Kawano, Yoshiteru	Research Analyst, PSQ Div.
T/3	Keane, John F.	Chief Clerk, Adm. Div.
Mr.	Kent, Paul	Govt. Analyst, National Govt. Div.
Sgt.	Koski, Bruno M.	Librarian, Adm. Div.
Miss	Kozlowski, Wanda	File Clerk, PSQ Division.
Mr.	Kuwabara, Kenichi G.	Interpreter and Translator, Adm. Div.
Miss	Kuwaye, Misao	Asst. to Chief, Pol Affairs Div.
1st Lt.	Langston, Rosalind	Librarian, Adm. Div.
Miss	LaPrad, Joan L.	Clerk Typist, Adm. Div.
Miss	Larson, Frances E.	Secretary, Pol. Affairs Div.
Mrs.	Lawrence, Kirsten Drivdahl	Secretary, Executive Br.
Sgt.	Lewis, Edward H.	Clerk Steno, Public Adm. Div.
Miss	Loeb, Helen	Chief, Diet Opeartions and Analysis Br., Parl. and Pol. Div.
Sgt.	Lopez, Peter	File Clerk, Adm. Div.
Mr.	MacCoy, W. Pierce	Chief, Gen Personnel Adm. Br., Civil Service Div.
Lt. Comdr.	MacInnis, Donald B.	Korean Div. Staff.
Mr.	McCormick, Arthur J.	Attorney, Courts and Law Div.
Miss	McGrath, Martha Ann	Clerk (Prof. Asst.) PSQ Div.
Miss	McKenna, Maud	Secretary to Chief, Govt. Sec.
Mr.	McLean, John	Govt. Analyst, Nat'l Govt. Div.
M/S	McLendon, Thomas	Admin. Asst., Adm. Div.
Miss	McMahon, Margaret H.	Clerk Steno, Civil Service Div.
Mrs.	McQuail, Elizabeth	Clerk Steno, Executive Br.
Miss	McVoy, Elsa C.	Secretary, Pol. Affairs Div.
Miss	Machin, Helen R.	Adm. Asst., Civil Service Div.
Mr.	Maki, John M.	Govt. Analyst, Govt. Powers Div.
Lt. Comdr.	Malcolm, Roy L.	Local Govt. Div. Staff
Sgt.	Manasse, Ernest D.	Supply NCO, Adm. Div.
Lt. Col.	Marcum, Carlos P.	Chief, Nat'l Govt. Div., Chief, Pol. Affairs Div.
Lt. Col.	Marr, John G.	Liaison Officer, 6th and 8th Armies.
Lt. Col.	Marsh, Charles	Chief, Korean Div.
Mr.	Marsh, Harry W.	Examination Specialist, Civil Service Div.
Capt.	Martaus, Joseph A.	Liaison Officer, Korean Div.
Capt.	Martinelli, Alba C.	Adm. Officer, Korean Div.
Mr.	Masland, John W.	Govt. Analyst, Local Govt. Div.
Miss	Massingill, Annie	Clerk Steno, Govt. Powers Div.
Mr.	Matsukata, Makato	Govt. Analyst, Public Affairs Div.
Miss	Matsumoto, Mutsuya	Interpreter, Adm. Div.
Miss	Maynard, Jacqueline J.	Clerk Typist, Adm. Div.
Capt.	Melvin, Robert E.	Chief, Adm. Div.
Mr.	Meyers, Howard	Attorney, Courts and Law Div.
Mr.	Miller, Jacob I.	Govt. Analyst, Govt. Powers Div.
Miss	Mimbs, Emma L.	Clerk Typist, Adm. Div.
Miss	Morgan, Mary	Clerk Steno, Courts and Law Div.

Title	Name	Job title held while in Government Section
Mr	Monogan, Walter E Jr	Attorney, Courts and Law Div
Mr	Morinaka, Kenji	Interpreter, Adm Div
Mrs	Morris, Hazel	Personnel Coordinator, Adm Div
Cpl	Mosby, Richard	File Clerk, Adm Div
Miss	Mueller, Hilde	Clerk (Prof) PSQ Div
Sgt	Naegle, Theodore	Supply NCO, Adm Div
Mr	Nakazawa, Albert	Translator, Adm Div
Major	Napier, Jack	Operations Officer, Korean Div , Admin Off -GS, Chief, PSQ Div , Chief, SP Div , Chief, Public Admin Div, Executive Officer
Mr	Narumi, Yoneo J	Translator, Civil Service Div
Miss	Neff, Kathryn	Clerk (Prof Asst) PSQ Div
Capt	Nelson, George A , Jr	Govt Analyst, Govt Powers Div
S/S	Newman, Clifford	Supply NCO, Adm Div
Mr	Nolan, Michael	Attorney, Local Govt Div
Miss	Norman, Gertrude	Govt Analyst, Legis and Liaison Div
Mr	Noss, Theodore	Govt Analyst, Civil Service Advisory Group
Capt	Novotny, Frank C	Attorney, Courts and Law Div
T/4	Odanaka, Woodrow	Translator, Interpreter Pool, Admin Div
Miss	Ogino, Hatsuye	Clerk-Interpreter, PSQ Div
Dr	Oppler, Alfred C	Chief, Courts and Law Div
Miss	Osburn, Ella V	Clerk Steno, Adm Div
Miss	Parnell, Sarah R	Clerk Typist, Adm Div
Lt Col	Patrick, Loomis	Chief, Operations Unit, Public Adm Div
Miss	Patterson, Louise E	Clerk Steno, Courts and Law Div
T/3	Payne, Charles E	Clerk Typist, Adm Div
Mr	Peake, Cyrus H	Deputy Chief, Govt Powers Div
Miss	Perzel, Louise	Clerk Steno, Adm Div
Miss	Peterson, Enid	Clerk, Adm Div
Mr	Peterson, Gordon W	Examination Specialist, Civil Service Div
T/3	Peterson, James L	Clerk, Adm Div
T/5	Phillips, Joseph A	Asst Chief Clerk, Adm Div
Miss	Phillips, Kathryn J	File Clerk, Civil Service Div
Miss	Pierson, Grace	Examination Specialist, Civil Service Div
Miss	Piser, Ruth	Clerk Typist, Civil Service Div
Lt (j g)	Poole, Richard A	Govt Analyst, Opinions Branch, Public Adm Div
Mr	Porter, Howard D	Govt Analyst, Local Govt Div
Lt Comdr	Reid, Ralph W E	Special Asst to Deputy Chief, Govt Sec
Mrs	Reilly, Veranice	Steno, Civil Service Div
T/4	Reinhardt, Wesley	Clerk, Adm Div
S/S	Rhode, Dorothy	Adm Asst , Govt Powers Div
Miss	Richard, Shirley	Steno, Executive Br
Major	Rizzo, Frank	The Special Asst to Chief, Govt Sec
Cpl	Roach, William	Supply Clerk, Adm Div.
Miss	Robbins, Elizabeth M	Clerk Steno, Civil Service Div
Col	Robinson, Henry E.	Executive Officer, Govt Sec
Miss	Rockey, Mary	Secretary, Parl and Pol Div
T/S	Rodriquez, Roddy	General s Driver
Lt Col	Roest, Pieter K	Chief, Pol Affairs Div
Sgt	Romano, Catherine	File Clerk, Adm Div
1st Lt	Rosenberg, Charles I	Deputy Chief, Interpreter Pool, Adm Div
Mr	Roser, Foster	Examination Specialist, Civil Service Div
Sgt	Roth, Merlin	Clerk Typist, Public Adm Div
Lt Col	Rowell, Milo E	Judicial Affairs Officer, Public Adm Div
S/S	Rusteberg, William	Asst Chief Clerk, Adm Div

Title	Name	Job title held while in Government Section
Mr.	Whitney, Courtney, Jr	Govt Analyst, PSQ Div.
Mr.	Wiggins, Guy A	Govt Analyst, PSQ Div
Mr.	Wildes, Harry E	Chief, Info Mgmt Br, Public Affairs Div
T/3	Williams, Arthur R	Clerk, Adm Div
Dr	Williams, Justin	Chief, Legis Div and Chief, Parl and Pol Div
Miss	Williams, Mary A	Clerk Steno, Civil Service Div
Sgt	Wynant, Gordon H	Chief Clerk, Korean Div
Mr	Yamamoto, Frank T	Interpreter-Translator, Interpreter Pool, Adm Div
T/3	Yonekawa, Toko	Translator, Interpreter Pool, Adm Div

Note The foregoing, a directory of all persons who served in the Government Section at any time between October 2, 1945, and September 2, 1948, does not reflect in any way the section s strength or organization at any one time

Appendix H
LAWS IMPLEMENTING THE NEW CONSTITUTION

THE LAW FOR THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Chapter I

The Election Districts

Article 1. The members of the House of Representatives shall be elected in each of the election districts. The election districts and the number of members to be elected in each district are set forth in the appendix to the present law.

Article 2. The voting districts shall be subject to the limits of cities, towns and villages.

When the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies deem it necessary, there may be established several voting districts for one city, town or village.

In case voting districts are established according to the preceding clause, the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies must immediately announce the fact.

In case any provisions of the present law are not applicable to districts established according to the second clause of this article, special provisions may be enacted by imperial ordinance.

Article 3. The ballot-counting districts shall be subject to the limits of cities, towns, and villages.

When the Commission for Overseeing the Ele Members of the Metropolitan Assembly or Comm for Overseeing the Election of Members of the or Prefectural Assemblies deem that there are circumstances, there may be established several counting districts for one city or one ballot-c district for several towns or villages.

When the ballot-counting districts are esta according to the preceding clause, the Commiss Overseeing the Election of Members of the Metro Assembly or Commissions for Overseeing the E of Members of the District or Prefectural Ass must announce the fact immediately.

In case any provisions of the present law are plicable to ballot-counting districts established ing to the second clause of this article, special pro may be enacted by imperial ordinance.

Article 4. When an alteration takes place in a tion district in consequence of a change in admini boundaries, the members actually sitting for su trict shall retain their seats.

Chapter II

Voting Right and Eligibility

Article 5. Any Japanese national who is over twenty years of age shall have the right to vote.

Any Japanese national who is over twenty-five years of age shall be eligible for election.

Article 6. Any person who has been declared incompetent or quasi-incompetent, or who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or is yet to be executed shall neither have the right to vote nor be eligible for election.

Article 7. Deleted.

Article 8. The Commissioners for Overseeing the Election of Members of the Metropolitan Assembly, Commissioners for Overseeing the Election of Members of the District or Prefectural Assemblies, and Commissions for Overseeing the Election of Municipal, Town or Village Assemblies, Voting Overseers, Ballot-Counting Overseers and Chairmen of Election, and officers and officials engaged in the management of affairs pertaining to election shall not be eligible for election within the limits of the jurisdiction of their respective office

Article 9. Judges, public procurators, gove auditors, revenue officials and police officers in service shall not be eligible for election.

Article 10. Officials and those treated as offici officials of local public entities with the exceptio after listed may not combine their offices with m ship in the House of Representatives:

1. Cabinet ministers.
2. The Director General of the Cabinet Secreta
3. The President of the Bureau of Legislation.
4. Parliamentary undersecretaries of all ministr
5. Parliamentary Councillors of all ministries.
6. Private secretaries of the premier.
7. Private secretaries of all ministries.
8. Private secretaries to State Ministers.

Article 11. Members of the Metropolitan, D Prefectural, and Municipal, Town or Village Asse may not hold concurrent membership in the Ho Representatives.

Chapter III

Electoral Lists

Article 12 The Chairman of the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies shall investigate annually, as of the fifteenth of September, all qualified persons who have been domiciled for more than six months without interruption in their respective localities and prepare a list thereof by the thirty-first of October

The age of an elector shall be counted as of the date when the electoral list is made final

The persons disqualified under the residence requirement provided in the first and the preceding clauses of this article may not be registered in the electoral list

In the electoral list shall be entered the name, residence, and date of birth of each elector

The terms of residence provided in the first and third clauses of this article shall not be affected by alterations of the administrative boundaries

Article 13 Commissions for Overseeing the Election of Members of Municipal, Town or Village Assemblies shall, at their respective offices or at places they designate, exhibit the electoral lists for public inspection for a period of fifteen days commencing on the fifth of November

They shall announce the place of exhibition at least three days before inspection takes place

Article 14 When an elector discovers an omission or wrong registration in the electoral list, he may demand that a correction be made by giving to the Commission for Electing Members of the City, Town or Village Assemblies written corroborative evidence and the reason therefor

Such a demand may not be made after expiration of the period of exhibition

[illegible]

notice If it finds that the notice is correct it shall immediately correct the electoral list, notifying the person who has given the notice and other persons concerned and notify the public at the same time When the notice is found to be incorrect a communication to that effect shall be made to the person who has given the notice

Article 16 When either the person who has given the notice or other persons concerned are not satisfied with the decision of the Commissions for Overseeing the Election of Members of Municipal, Town or Village Assemblies made according to the foregoing article, they may, within seven days from the day on which they received the communication of the said decision, institute a suit against the Chairman of Commissions for *Overseeing the Election of Municipal, Town or Village Assemblies, in a district court*

No appeal is allowed to appellate courts against the judgment of the district court mentioned in the preceding clause but it is permissible to bring an appeal to the Supreme Court for revision

Article 17 The electoral list shall be considered final on the 20th of December

The list shall be kept until the 19th of December of the following year When, however, any correction is [illegible] publish the fact

A new electoral list shall be compiled whenever a natural calamity or any other unavoidable circumstance may require it

The compilation of the electoral list according to the foregoing clause and the date thereof, and the date and duration of exhibition for public inspection and for final determination of the list shall be determined by Imperial Ordinance

Chapter IV

Election, Votes, and Polling Places

Article 18 The date of a general election shall be the day *following the expiration of a* term of members of the House of Representatives However, when there are peculiar circumstances an election may be held within five days after a term has expired

When a term expires while the National Diet is in session or within twenty-five days after the closing of the session, the general election shall take place not less than twenty-six nor more than thirty days after the close of the session

The date of a general election shall be proclaimed at least twenty-five days beforehand

Article 19 Election shall be by ballot Each elector shall cast one ballot only

Article 19-2 Affairs pertaining to the election of Members of the House of Representatives shall be taken charge of by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly and Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall direct and supervise the Commissions for Overseeing the Election of Members of Municipal, Town or Village Assemblies with regard to affairs pertaining to the election of members of the House of Representatives.

Article 20. Voting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies, from among those who have the right to vote for election.

Voting Overseers shall take charge of affairs pertaining to voting.

Article 21. The polling-place shall be the city, town, or village office or place designated by the voting overseer.

Article 22. The voting overseer shall announce the polling-place at least five days previous to the date of election.

Article 23. The polls shall be opened at 7 o'clock a.m. and be closed at 6 o'clock p.m.

Article 24. Each candidate may appoint a person with his consent to act as a voting witness from among those registered in the electoral list of each voting district and report his choice to the voting overseer at least two days before the date of election.

When the number of the persons whose selection has been reported in accordance with the provisions of the preceding clause (excluding one whose selection has been reported by a candidate who subsequently thereto has died or withdrawn his candidacy, which proviso is hereinafter omitted) does not exceed ten, they shall ipso facto become voting witnesses. In case their number exceeds ten, they shall elect ten voting witnesses from among themselves.

The election mentioned in the preceding clause shall be effected by vote, and persons who have obtained the larger number of votes shall be voting witnesses. In case an equal number of votes are obtained the decision shall be made by lot by the voting overseer.

The election mentioned in the second clause of this article shall be held on the day preceding the date of election.

The place and date of the election mentioned in the second clause of this article shall be publicly announced by the voting overseer before hand.

When the candidate has died or withdrawn his candidacy, the voting witness whose selection has been reported by him shall cease to function as such.

In case the voting witnesses appointed according to the second clause of this article are fewer than three in number or there are fewer than three witnesses present at the time of the opening of the polls, the voting overseer shall fill the vacancies from among the persons registered in the electoral list of the voting district, notifying the persons so appointed and cause them to be present at the polls.

A voting witness shall not vacate his office without valid reason.

Article 25. On the day of election electors shall come in person to the polling-place and vote, after identifying themselves as the persons whose names are on the electoral list.

In case the voting overseer cannot identify a person who is about to vote he shall require him to *declare on oath* his proper identity. Unless this declaration is made, such a person shall not be permitted to vote.

Article 26. The ballot shall be given to each elector at the polling-place on the day of voting.

Article 27. Every elector shall enter by himself the full name of one candidate in a ballot at a polling place and cast it into a ballot box.

An elector shall not write his own name on the ballot.

Article 28. Writing upon the ballots with Braille as specified by Imperial Ordinance is permitted.

Article 29. No person other than those entered on the electoral list shall be capable of voting. Should, however, any one come to the voting place on the day of election bringing with him a *writ of decision entitling* him to have his name entered on the electoral list, the voting overseer shall allow him to vote.

Article 30. Whenever a person registered on the electoral list does not possess the qualifications for registration or the right to vote on the day of the election, such person may not vote.

The foregoing provision shall apply to those persons who cannot themselves write the names of the candidates they wish to vote for.

Article 31. The voting overseer after consulting the voting witnesses decides whether or not to allow a vote to be cast.

In case an elector is dissatisfied with the decision mentioned in the preceding clause, the voting overseer shall allow him to vote provisionally.

An elector shall place his ballot in an envelope and seal it and deposit it in the ballot box after writing his name on the envelope.

The provisions of the foregoing two clauses shall apply to an elector objected to by any of the election witnesses.

Article 32. When the time for closing the polls arrives, the voting overseer shall declare the fact and close the entrance of the polling-places; he shall close the ballot-box as soon as electors present in the polling place have finished voting.

After the closing of the ballot-box no voting shall be allowed.

Article 33. *For electors who certify the impossibility of personal attendance* at a polling-place on the day of election owing to circumstances recognized by imperial ordinance, special provisions may be enacted by imperial

ordinance, notwithstanding the provisions of Articles 25, 26, the first clause of Article 27, the proviso of Article 29 and Article 31

Article 35 The voting overseer, except when he is also a ballot-counting overseer, shall, in company with one or more witnesses, send on the day of election the ballot box, the minutes of the voting, and the electoral lists to the counting overseer

Article 36 In the case of an island or other place where means of transportation do not permit sending the ballot-box within the time mentioned in the preceding article, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies may fix a convenient date for voting and cause the ballot-box, minutes of the voting, and the electoral lists to be sent by the time of counting the votes

Article 37 When, owing to natural calamity or other unavoidable circumstances, it is found to be impossible to carry out the voting or it is necessary to take a fresh vote, the voting overseer shall give notice to that effect to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies through the chairman of election In such a case the Commissions shall cause the voting to be carried out by fixing a new date which shall be proclaimed at least five days beforehand

Article 38 In case elections are to be held according to Article 75 or 79 simultaneously, one combined election shall take place

Article 39 No elector is under obligation to state to any person the name of the candidate for whom he voted

Article 40 The *voting overseer shall maintain order* at the polling-place and may, in case of necessity, *ask the assistance of the police*

Article 41 With the exception of electors, persons attending to the business of the polling-place, officials who are authorized to oversee the polling-place, and police officials, *no person is allowed to enter the polling place*

Article 42 When at the polling-place, any person makes a *speech*, engages in *discussion*, causes an *uproar*, holds a *conference* or uses *persuasion* as to voting, or otherwise disturbs the order of the polling-place, the voting overseer shall caution him and if the caution is disregarded, shall cause him to leave the polling-place

Article 43 A person who has been compelled to leave a polling-place in accordance with the foregoing article, may be allowed to vote either at the end of the voting or earlier if it is deemed by the voting overseer that there is no danger of the polling-place being disturbed thereby

Chapter V

Counting of Ballots and Counting-Office

Article 44 Ballot-counting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies from among those who have the right to vote for election

Ballot-counting Overseers shall take charge of affairs pertaining to the counting of ballots

Article 45 The counting-office shall be established in the city, town or village office or at the place appointed by the counting overseer

Article 46 The counting overseer shall announce *the date of the counting beforehand*

Article 47 The provisions of Article 24 shall be applied to the counting witnesses of the counting-office

Article 48 The counting of ballots shall be effected on *the day of voting or on the day immediately following* (in case more than one voting district exists within one vote-counting district, on the day when all the ballot-boxes have been received or on the day immediately following)

Article 49 The counting overseer shall, in the presence of the counting witnesses, examine the votes coming under sections 2 and 4 of Article 31 and shall decide as to their acceptability after consulting the counting witnesses.

The counting overseer, with the counting witnesses, shall examine the ballots for each polling district

As soon as the examination of the ballots has been finished, the counting overseer shall report the result immediately to the chairman of election

Article 50 The electors are entitled to request permission to inspect the counting at the respective offices

Article 51 The validity of ballots shall be decided by the counting overseer after consulting the counting witnesses

Article 52 The votes mentioned below shall be invalid

1 Those for which a regular ballot has not been used
2 Those on which the name of a person other than a candidate is inscribed
3 Those on which the names of two or more candidates are inscribed
4 Those on which the name of a person disqualified for election is inscribed
5. Those on which other matters in addition to the name of a candidate are inscribed But this rule does not apply to those on which the profession, status, residence, or honorifics are entered

6. Those on which the name of the candidate is not written by the voter himself.
7. Those by which it is impossible to ascertain which candidate is meant.
8. Those on which the name of a person who is a member of the House of Representatives is inscribed.

The preceding 8th item is applicable only to an election held in accordance with the provisions of Article 75 or 79 of the present law.

Article 52-2. Delete.

Article 52-3. Delete.

Article 53. Ballots shall be sorted into lots that are valid and those that are void and shall be preserved by the Commissions for Overseeing the Election of Members of the Municipal, Town or Village Assemblies.

Article 54. The counting overseer shall make the counting minutes, in which all matters relating to the ballot-counting shall be recorded, and shall affix his signature thereto together with ballot-counting witnesses.

The counting minutes and voting minutes shall be preserved during the term of office of the members elected, by the Commissions for Overseeing the Municipal, Town or Village Assemblies.

Article 55. In the counting of ballots a new election held in case a part of an election is declared invalid, the validity of ballots shall be ascertained.

Article 56. The provisions of Article 37 shall, with the exception of the proviso, be applied mutatis mutandis in the counting.

Article 57. For the control of counting-offices the provisions of Articles 40 to 42 shall be applied mutatis mutandis.

Chapter VI

Election Meeting

Article 58. The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies.

The chairman of election shall take charge of affairs relating to the election-meeting.

Article 59. The election meeting shall be held at the Metropolitan or prefectural office or at a city office or a lace designated by the chairman of election.

Artcile 60. The chairman of election shall announce the place and date of the election meeting beforehand.

Article 61. The provisions of Article 24 shall be applied correspondingly to the election witnesses.

Article 62. The chairman of election shall hold the election meeting in the presence of the election witnesses on the day when or the next day after the reports provided for in the third section of Article 49 are received from all counting overseers and shall examine the reports.

In case a part of an election was invalid and a new election has been held, the chairman of election, on receipt of the report under the third section of Article 49, shall hold an election meeting and examine it together with other reports.

Article 63. The electors are entitled to request admission to the election meeting of their respective districts.

Article 64. The chairman of election shall make the election minutes, in which all matters relating to the election meeting shall be recorded and shall affix his signature thereto together with election witnesses.

The election minutes, together with the documents relating to the reports made under Article 49, paragraph 3, shall be preserved by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, during the term of office of the members elected.

Article 65. The provisions of Article 37 shall, with the exception of the proviso, be applied correspondingly to the election meeting.

Article 66. For the control of the election meeting the provisions of Articles 40 to 42 shall be applied correspondingly.

Chapter VII

Candidates and Persons Elected

Article 67. A person who desires to be a candidate shall so notify the chairman of election between the date when the date of election is proclaimed and the seventh day before the date of election.

When a person whose name is registered in the electoral list desires to name a candidate other than himself, he may make the recommendation with the consent of the candidate during the period set forth in the preceding clause.

In case the number of candidates named during the period stated in the two preceding clauses exceeds the number of members to be elected, when candidates die after the period stated or withdraw candidacy, notice or recommendation of candidates may be made according to the two preceding clauses by the second day previous to the date of election.

A person who has become a candidate in one election district shall not notify his candidacy or approve the

notification recommending him as a candidate in another election district

A candidate may not withdraw his candidacy without notification to the chairman of election

On receipt of notice under the third paragraph and the preceding paragraph of this article or on the death of a candidate the chairman of election must immediately publish the facts

Article 68 The person who desires to enter for candidacy or who desires to recommend a candidate shall deposit *5,000 yen in cash* or national bonds of the same face value for each candidate

The deposit made in accordance with the preceding clause shall belong to the government in case the total votes for the candidates are *less than one-tenth* of the number of the valid votes obtained by respective candidates divided by the number of members to be elected in that election district

The provisions of the preceding clause shall be applied to candidates who withdraw within ten days of the date of election, unless such withdrawal is due to loss of eligibility

Article 69 The candidate who has obtained the greatest number of valid votes shall be declared elected However, the number of votes obtained *shall not be less than one-fourth of the total number of votes*, obtained by respective candidates, divided by the number of members to be elected from the district

In determining the person elected, in case the number of ballots obtained by the candidates is the same, and the choice is determined by lot, the chairman of election shall hold a drawing at the election meeting

In case the person elected may be determined without holding a new election in consequence of a suit instituted under Articles 81 or 83, the person elected shall be determined at an election meeting

When a person elected either declines the election or dies or when his election has been invalidated according to the provisions of Article 70, the person elected shall be determined immediately at an election meeting from among those persons who have obtained the quota mentioned in the proviso of the first section of this article but have not been elected

When any of the causes mentioned in Article 75, paragraph 1, Items 5 and 6, has occurred during the period stipulated in Article 74 and there are persons who have obtained such number of votes as mentioned in the proviso of paragraph 1, or when such a case has occurred after the expiration of the period and, there are persons who have obtained votes and to whom the provisions of paragraph 2 are applicable, an election meeting shall be held to determine the person elected from among the above mentioned persons

In applying the foregoing three sections, a person voted for who comes under the first clause and was not elected shall not be declared elected in case he has been disqualified for election after the date of the election

If the total number of votes cast was 3,300,000, the number of vacancies 10, and the leading candidate received 70,000 votes, he would retain his deposit, but he would not be elected to the Diet, because the requisite minimum is 3,300,000 divided by 10 divided by 4 = 82,500 If the number of candidates, as compared with vacancies, is very large and the vote widely scattered among the candidates, it might happen that none would be elected and a new election would be needed

Article 70 An election shall be invalidated when the person elected is disqualified for election after the date thereof

Article 71 In case the number of candidates notified according to the provisions of sections one to three of article 67 does not exceed the number of members to be elected from a district, no election shall be held

When it is unnecessary to hold an election according to [illegible]

blies and the electors

On receipt of such notice the voting overseer shall publish the fact immediately

In the circumstances indicated in the first clause of this article, the chairman of election shall hold an election meeting within five days previous to the date of election and determine the candidates as elected

In such cases the chairman of election shall determine the validity of the qualifications of the candidates after consulting the election witnesses

Article 72 When a candidate s election has been determined, the chairman of election shall at once inform the person elected and at the same time shall publish the names of the persons elected and also shall report the minutes of the election, such as the names of and the number of votes obtained by the persons elected, and the total number of votes for each person, etc , to the Commission for Overseeing the Election of members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies

The chairman of election shall immediately publish and give notice of the fact to the Commission for Overseeing the Election of members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies when there is no person elected or the number of persons elected is less than the number to be elected

Article 73 Upon receipt of notice of election, every person elected shall notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies whether or not

he accepts

Article 74 Those persons elected who have failed to give notice of acceptance within ten days from the day on which they received notice of election shall be considered to have declined election

Article 75 In any of the following circumstances the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall fix a date and hold a new election, announcing the date thereof at least twenty-five days before the date of election except when the persons elected can be determined without carrying out a new election. This provision is not applicable when the date of election is announced owing to circumstances other than the following or in accordance with the provisions of the eighth section of Article 79 concerning one and the same person

1 In case there is no person elected or the number of persons elected is less than the number to be elected

2 When the person elected declines the election or is dead

3 When the person elected loses the election according to provisions of Article 70

4 When there is no person elected or the number of persons elected does not come up to the required number in consequence of a suit instituted according to the provisions of Articles 81 or 83

5 When an election is invalidated as the result of a suit instituted according to Article 83

6 When an election is invalidated according to the provisions of Article 136

An election mentioned in the preceding clause may not be held during the period allowed for filing a suit under the provisions of Article 81 or 83, or until the settlement of judgment in a case in which a suit has been filed.

The date of election to be held in accordance with the first section of this article shall be within thirty (30) days after the final day of the period allowed for filing a suit under the provisions of Article 81 or 83; in case a suit has been brought, it shall be within twenty (20) days after the day on which the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assembly received the communication from the Chief Judge of the Supreme Court to the effect that the suit is terminated or the communication made in conformity with the second clause of Article 86 or Article 143

When any one of the circumstances mentioned in the first section of this article has arisen within six months prior to the end of the term of a representative, no election is held under the first section of this article

Article 76 When a person elected has accepted election the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall at once give him a certificate of election and publish his name, at the same time reporting thereon to the Minister of Home Affairs through the Governor

Article 77 When an election has been invalidated owing to a suit instituted under Chapter 9 or to the application of Article 136, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall publish the fact immediately

Chapter VIII

Term of Membership and Substitutional Election

Article 78 The term of membership shall be from the date of a general election

Article 79 A substitutional election shall not be held even when a vacancy occurs among members until the number of vacancies comes up to two in the same election district. In the election district, however, in which the fixed number of members to be elected is two (2) the substitutional election shall be held when a vacancy has occurred

In case a vacancy occurs among members the Minister of Home Affairs shall notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies concerned within five days from the date of his receipt of the notification thereon from the President of the House of Representatives

On receipt of such notification the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall communicate it immediately to the chairman of election when a candidate who obtained the quota required under the proviso of the first paragraph of Article 69 but was not elected is available, in the case of a vacancy which occurs during the period mentioned in Article 74; or when there is a candidate to whom the second paragraph of Article 69 has been applied but was not elected, in the case of a vacancy which takes place after the period has elapsed.

The chairman of election shall determine the person elected, applying the provisions of sections four to six of Article 69, within twenty (20) days from the date of notification under the preceding section.

On receipt of notification under section two of this article, the Commission for Overseeing the Election of *Members of the Metropolitan Assembly or Commissions* for Overseeing the Election of Members of the District or Prefectural Assemblies unless the third section herein of this article is applied or the date of the election has been published according to the provisions of Article 75 concerning one and the same person, shall wait until the number of vacancies reaches one-fourth of the number of members to be elected in the election district concerned, it shall hold a substitutional election within thirty (30) days of receipt of the final notification under section two of this article

In case an election prescribed in Paragraph 75 is held in the election district in which the fixed number of members to be elected is two, or in case the number of vacancies is two in another election district, but an election is to be held under Article 75, a substitutional election shall, in spite of the provisions of the first and fifth clauses of this article, be held in parallel with the said election, unless the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies has received the notification under the second clause of this article after the date of election was announced in accordance with the provisions of Article 75

The date of the substitutional election mentioned in the preceding clause shall be fixed in accordance with the rules of the date of election under Article 75

The date of a substitutional election shall be announced at least twenty-five (25) days before the election by the Commissions for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies

The provisions of sections two to four of Article 75 shall be applied to a substitutional election

Article 80 A member elected by substitutional election shall serve out the term of his predecessor

Chapter IX

Law Suits Arising Out of Elections

Article 81 An elector or a candidate who entertains an objection to the validity of an election may institute a suit against the Chairman of the Commission for Overseeing the Election of Members of the Metropolitan Assembly or of the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies in the High Court within thirty days after the date of election

Article 82 When the legal provisions governing elections are violated, the court shall declare the election void either in whole or in part if such violation is judged likely to affect the returns

In a suit instituted under Article 83, when the election is adjudged to fall under the preceding section, the court shall declare the election void either in whole or in part

Article 83 When a candidate who has failed of election questions the validity of the election of a person elected in the same election district, he may institute a suit in the High Court against the person elected within thirty days from the date of publication of the name of the person elected under sections one and two of Article 72 But a suit shall be instituted against the Chairman of the Commission for Overseeing the Election of Members of the Metropolitan Assembly or of the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies, on the ground that the requirement imposed in the proviso of section one of Article 49 has been obtained or on the ground that the election does not abide by section six of Article 49 or by Article 70, or on the ground that the decision made under section five of Article 71 is illegal

When a suit is instituted according to the preceding section and the person elected dies before the decision is made, such suit shall be reinstated against the public procurators

Article 84 An elector or a candidate who claims that an election is invalid under Article 110 may institute a suit against the person elected in the High Court within thirty days after notification under section one of Article 72

Article 84-2 When a public procurator deems an election to be invalid under the provisions of Article 136 on the ground of the person accused for the offences under Article 112 or 113 having been the election manager or the person who was not the election manager but actually managed election campaigns, he shall in parallel with the public action, bring a lawsuit against the person elected

Article 85 In the trial of election cases instituted under the provisions of Article 81, 83 or the first section of the preceding article the court shall require the public procurator to attend the proceedings

Article 86 When a suit is instituted under the provisions of Article 81 or 83 the Chief Judge of the High Court shall inform the Minster of Home Affairs and the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies concerned through the Governors concerned, as well as when the suit is terminated

When a litigation has come not to be attended to under the first clause of Article 84 or when a judgment passed comes into force of the suit instituted under the second clause of the same article, the president of the law court shall notify the fact to the Minister of Home Affairs and the Commission for Overseeing the Election of Members

of the Metropolitan Assembly or Commisions for Overseeing the Election of Members of the District or Prefectural Assemblies concerned through the Governors concerned.

When a judgment is given to the suit instituted under Article 81 or 83 or the first section of Article 84 or when a judgment passed comes into effect of the suit instituted under the second clause of Article 84, the president of the law court shall send a certified copy of the judgment to the Minister of Home Affairs. In case the National Diet is in session, another copy shall be sent to the chairman of the House of Representatives.

Article 87. The plaintiff who instituted a suit under the provisions of Article 81 or 83 or the first section of Article 84 shall deposit as security in the court 300 yen in cash or national bonds of equal face value.

In case the judgment is given against the plaintiff and should he fail to pay the whole amount of the legal costs, within seven days from the day on which the judgment was settled, the security money shall be appropriated for the purpose and should there still remain any deficiency the required amount shall be charged to the plaintiff.

Chapter X

The Election Campaign

Article 88. Deleted.

Article 89. No election office may be established by persons other than a candidate or the person who recommends a candidate (in case several persons recommend a person, their representative).

When the person mentioned in the preceding clause has established an election office, he shall immediately notify the fact to the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies, as well as when there is any change in the election office.

Article 90. Only one election office may be established for each candidate, but five or less election offices may be established in accordance with Imperial ordinance.

Article 91. The election offices shall not be established within three *cho* (about 360 yards) from voting places.

Article 92. Resting-places or places of like character shall not be established for the purpose of an election campaign.

Article 93. Deleted.

Article 93-2. Deleted.

Article 94. When election offices are found to be established contrary to the provisions of section one of Article 89, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies shall immediately order such offices to close: this regulation is applicable similarly when election offices are found to be established in excess of the number authorized under Article 90.

Article 95. No election campaign shall be conducted until the notice of recommendation of candidates under Sections one to three of Article 67 has been made.

Article 96. No persons shall conduct the election campaign by making use of their positions specially related to children, pupils or students of schools under the age of twenty (20).

Article 97. Deleted.

Article 98. No person shall carry on house-to-house visiting for the purpose of obtaining votes or of aiding or preventing the obtaining of votes.

Article 98-2. Deleted.

Article 99. None of those mentioned in Article 8 shall carry on an election campaign in the districts in which his office is located.

Article 100. The Minister of Home Affairs may establish limitations by ordinance upon letters and pictures to be distributed or posted in an election campaign.

Article 100-2. The Minister of Home Affairs may establish limitations by ordinance upon such acts to be made with the object of greeting electors, after the day of election, in connection of candidates' success or failure in the election.

Chapter XI

Election Expenses

Article 101. A candidate shall appoint a person responsible for the disbursement of election campaign expenses (hereinafter referred to as "responsible disburser"), providing, however, that this does not prevent a candidate from himself becoming a responsible disburser, nor a person who has recommended a candidate (in case there are several such persons, their representative) from appointing with approval of the said candidate a responsible disburser or from himself becoming a responsible disburser.

Article 101, par. 2 shall be deleted.

A candidate may relieve a responsible disburser of his office by notice in writing. This rule shall apply in case a person who has recommended a candidate and who has appointed a responsible disburser, obtains the candidate's approval.

A responsible disburser may resign by notice in writing to the candidate and the person who appointed him

One who has appointed a responsible disburser (including one who has himself become a responsible disburser) shall immediately report the fact of appointment to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, to which the report under the second section of Article 89 was made The same rule shall apply when a responsible disburser has changed

One who acts for a responsible disburser in accordance with the provisions of Article 101-2 shall make a report in pursuance of the instance mentioned in the preceding clause The same rule shall apply when one has resigned

Article 101-2 When a responsible disburser is prevented from discharging his duties, one who has appointed him shall act for him

When one who has recommended a candidate and who has appointed a responsible disburser (including one who has himself become a responsible disburser) is also prevented from discharging his duties, the candidate shall act for him

Article 101-3 The expenses of the election campaign shall not be paid out by any person other than the responsible disburser except the expenses involved in the preparation for candidacy and those paid out without any understanding of the candidates or the responsible disburser, however this rule shall not apply to those who have obtained the written approval of the responsible disburser

Article 101-4 Any person who, not being the responsible disburser, has received or accepted any receipts relating to the election campaign for a candidate for membership, shall immediately inform the responsible disburser of the amounts, the kinds and other items of the receipts, receipts relating to the election campaign received or accepted prior to the notification of standing as a candidate shall be reported to the responsible disburser immediately after the notification of standing as a candidate has been made

Article 102 The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items

1 The amount obtained when the total number of electors registered on the final electoral list, divided by the number of members to be elected in the election district, is multiplied by the amount of money fixed by ordinance

2 In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by the amount of money fixed by ordinance

3 In case an election is held under Article 37, the amount shall be calculated in accordance with the preceding item, however, this amount may be reduced by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies when they deem it necessary

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall publish the amount determined upon under the preceding section as soon as the date of election is proclaimed or notified

Article 103 In case material obligations for an election campaign have been recognized or material benefits from the use of buildings, ships, horses and vehicles, printed matter, food and drink, etc , other than cash, have been received, the obligations or benefits shall be considered expenses of election at their market values

Article 104 Amounts paid out for any of the following purposes shall not be considered expenses of election

1 For ships, horses, and vehicles used by a candidate

2 For the adjustment of the remaining business of an election campaign after the date of election

3 Expenses other than those which are paid out by or with the understanding of the candidate for whom notice has been given under sections one to three of Article 67 or the responsible disburser

4 For the preparation of the candidate other than those paid out by or with the understanding of the person who has become the candidate or responsible disburser

Article 104-2 Receipts relating to the election campaign shall mean such money as has been received and accepted in order to meet the expenses for the election campaign

In the case where property obligations have been exempted in order to meet the expenses for the election campaign or where buildings, ships, cars, printing matters, foodstuffs, or other property interests except money have been obtained, the obligations or interests, being estimated in current prices, shall be regarded as receipts relating to the election campaign

Article 105 The responsible disburser shall, as provided for by an Ordinance, submit reports on the expenses for the election campaign and the receipts relating to the election campaign to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies

Article 106 The representative or leader of a political party or any other organization which recommends or supports candidates shall in accordance with the provisions of ordinance, report the expenses of the election

of the Metropolitan Assembly or Commisions for Overseeing the Election of Members of the District or Prefectural Assemblies concerned through the Governors concerned.

When a judgment is given to the suit instituted under Article 81 or 83 or the first section of Article 84 or when a judgment passed comes into effect of the suit instituted under the second clause of Article 84, the president of the law court shall send a certified copy of the judgment to the Minister of Home Affairs. In case the National Diet is in session, another copy shall be sent to the chairman of the House of Representatives.

Article 87. The plaintiff who instituted a suit under the provisions of Article 81 or 83 or the first section of Article 84 shall deposit as security in the court 300 yen in cash or national bonds of equal face value.

In case the judgment is given against the plaintiff and should he fail to pay the whole amount of the legal costs, within seven days from the day on which the judgment was settled, the security money shall be appropriated for the purpose and should there still remain any deficiency the required amount shall be charged to the plaintiff.

Chapter X

The Election Campaign

Article 88. Deleted.

Article 89. No election office may be established by persons other than a candidate or the person who recommends a candidate (in case several persons recommend a person, their representative).

When the person mentioned in the preceding clause has established an election office, he shall immediately notify the fact to the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies, as well as when there is any change in the election office.

Article 90. Only one election office may be established for each candidate, but five or less election offices may be established in accordance with Imperial ordinance.

Article 91. The election offices shall not be established within three *cho* (about 360 yards) from voting places.

Article 92 Resting-places or places of like character shall not be established for the purpose of an election campaign.

Article 93 Deleted.

Article 93-2. Deleted.

Article 94. When election offices are found to be established contrary to the provisions of section one of Article 89, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies shall immediately order such offices to close: this regulation is applicable similarly when election offices are found to be established in excess of the number authorized under Article 90.

Article 95. No election campaign shall be conducted until the notice of recommendation of candidates under Sections one to three of Article 67 has been made.

Article 96. No persons shall conduct the election campaign by making use of their positions specially related to children, pupils or students of schools under the age of twenty (20).

Article 97. Deleted.

Article 98. No person shall carry on house-to-house visiting for the purpose of obtaining votes or of aiding or preventing the obtaining of votes.

Article 98-2. Deleted.

Article 99. None of those mentioned in Article 8 shall carry on an election campaign in the districts in which his office is located.

Article 100. The Minister of Home Affairs may establish limitations by ordinance upon letters and pictures to be distributed or posted in an election campaign.

Article 100-2. The Minister of Home Affairs may establish limitations by ordinance upon such acts to be made with the object of greeting electors, after the day of election, in connection of candidates' success or failure in the election.

Chapter XI

Election Expenses

Article 101. A candidate shall appoint a person responsible for the disbursement of election campaign expenses (hereinafter referred to as "responsible disburser"), providing, however, that this does not prevent a candidate from himself becoming a responsible disburser, nor a person who has recommended a candidate (in case there are several such persons, their representative) from appointing with approval of the said candidate a responsible disburser or from himself becoming a responsible disburser.

Article 101, par. 2 shall be deleted.

A candidate may relieve a responsible disburser of his office by notice in writing. This rule shall apply in case a person who has recommended a candidate and who has appointed a responsible disburser, obtains the candidate's approval.

A responsible disburser may resign by notice in writing to the candidate and the person who appointed him

One who has appointed a responsible disburser (in- [illegible] Overseeing the Election of Members of the District or Prefectural Assemblies, to which the report under the second section of Article 89 was made The same rule shall apply when a responsible disburser has changed

One who acts for a responsible disburser in accordance with the provisions of Article 101-2 shall make a report in pursuance of the instance mentioned in the preceding clause The same rule shall apply when one has resigned

Article 101-2 When a responsible disburser is prevented from discharging his duties, one who has appointed him shall act for him

When one who has recommended a candidate and who has appointed a responsible disburser (including one who has himself become a responsible disburser) is also prevented from discharging his duties, the candidate shall act for him

Article 101-3 The expenses of the election campaign shall not be paid out by any person other than the responsible disburser except the expenses involved in the preparation for candidacy and those paid out without any understanding of the candidates or the responsible disburser, however this rule shall not apply to those who have obtained the written approval of the responsible disburser

Article 101-4 Any person who, not being the responsible disburser, has received or accepted any receipts relating to the election campaign for a candidate for membership, shall immediately inform the responsible disburser of the amounts, the kinds and other items of the receipts, receipts relating to the election campaign received or accepted prior to the notification of standing as a candidate shall be reported to the responsible disburser immediately after the notification of standing as a candidate has been made

Article 102 The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items

1 The amount obtained when the total number of electors registered on the final electoral list, divided by the number of members to be elected in the election district, is multiplied by the amount of money fixed by ordinance

2 In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by the amount of money fixed by ordinance

3 In case an election is held under Article 37, the amount shall be calculated in accordance with the preceding item, however, this amount may be reduced by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies when they deem it necessary

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall publish the amount determined upon under the preceding section as soon as the date of election is proclaimed or notified

Article 103 In case material obligations for an election campaign have been recognized or material benefits from the use of buildings, ships, horses and vehicles, printed matter, food and drink, etc , other than cash, have been received, the obligations or benefits shall be considered expenses of election at their market values

Article 104 Amounts paid out for any of the following purposes shall not be considered expenses of election

1 For ships, horses, and vehicles used by a candidate

2 For the adjustment of the remaining business of an election campaign after the date of election

3 Expenses other than those which are paid out by or with the understanding of the candidate for whom notice has been given under sections one to three of Article 67 or the responsible disburser

4 For the preparation of the candidate other than those paid out by or with the understanding of the person who has become the candidate or responsible disburser

Article 104-2 Receipts relating to the election campaign shall mean such money as has been received and accepted in order to meet the expenses for the election campaign

In the case where property obligations have been exempted in order to meet the expenses for the election campaign or where buildings, ships, cars, printing matters, foodstuffs, or other property interests except money have been obtained, the obligations or interests, being estimated in current prices, shall be regarded as receipts relating to the election campaign

Article 105 The responsible disburser shall, as provided for by an Ordinance, submit reports on the expenses for the election campaign and the receipts relating to the election campaign to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies

Article 106 The representative or leader of a political party or any other organization which recommends or supports candidates shall in accordance with the provisions of ordinance, report the expenses of the election campaign and receipts relating to the election campaign to the Minister of Home Affairs through the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the

Election of Members of the District or Prefectural Assembly, as the case may be, according to the locality of its principal office, if it recommends or supports candidates in two or more Metropolitan, District or Prefectural areas or in an area outside of the Metropolis, District or Prefecture where its principal office is located, and, in other cases report to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assembly as the case may be according to the locality of its principal office.

The provisions of the preceding paragraph shall apply mutatis mutandis to any local branch of a political party or any other organization which recommends or supports candidates.

Article 107. Upon receipt of the report provided for in the preceding two paragraphs, the Minister of Home Affairs or the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, shall make public the main points of such reports in accordance with the provisions of ordinances.

Article 108. The reports under Articles 105 and 106 shall be preserved during the term of office of the members by the Minister of Home Affairs, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members for the District or Prefectural Assemblies who have received the reports.

Any person may demand inspection of such reports, in accordance with the provisions of ordinances, during the period mentioned in the preceding paragraph.

Article 108-2. The responsible disburser shall, in a cordance with the provisions of ordinances, keep not books, in which expenses for the election campaign an receipts relating to the election campaign shall be r corded.

The responsible disburser shall preserve the book under the preceding paragraph and the documents a provided for in Ordinances in regard to expenses for elec tion campaign and receipts relating to election campaign during the term of office of the member.

Article 109. In case the responsible disburser resign or is dismissed, he must prepare an account of the ex penses for election campaign and receipts relating to elec tion campaign without delay for a new responsible dis burser or for the person who takes over the duties of th responsible disburser appointed under Article 101-2 wher there is no new responsible disburser, and he shall transfer it to him. This is applicable in case a new responsible disburser is elected after the duties have been transferred to a person who has taken charge thereof under Article 101-2.

Article 110. In case the expenses of the election paid out for a candidate exceed the amount specified in section two of Article 102, the election of the candidate shall be invalid except when the candidate and the person who has made the recommendation have paid due attention to the appointment and supervision of the responsible disburser or the person who takes over the duties of the responsible disburser and there can be found no fault in the expenditure of campaign funds on the part of the responsible disburser or the person who takes over his duties.

Chapter XII

Punitive Rules

Article 111. Any person who has effected by fraudulent process the insertion of his name in the electoral list or who has made a false declaration under the second clause of Article 25 shall be liable to a fine of not more than 1,000 yen.

Article 112. Any person who has committed an act falling under any of the following heads shall be liable to confinement or penal servitude for not more than three years or to pay a fine of not more than 20,000 yen.

1. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, money, goods, or other presents or public or private employment has been given to an elector or to a canvasser or when such gifts have been provided.

2. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, irrigation, tenancy, credit, contributions, or other matters of direct interest to an elector or canvasser is interested have been taken advantage of in persuading an elector or canvasser.

3. When, in connection with an election, anything mentioned in the first head of this article has been carried to an elector or a canvasser for the purpose of compensation for voting or carrying on an election campaign or for declining to do either or for canvassing or persuading others.

4. When, in connection with an election, a voter has received or demanded offers, or accepted proposals of presents or entertainments mentioned in the first or the preceding clause of this article or yielded to persuasion or asked for such forms of asisstance as are mentioned in the second item.

5. When, with the object of inducing the acts mentioned in Items one to three, a person has made, proposed or promised offers of money or goods to election canvassers; or when an election canvasser has received, demanded

or accepted such offers

6 When in connection with an election, a person has acted to persuade or mediate between others concerning the acts mentioned in the preceding items

Such public officer or official as mentioned in Article 8 engaged in matters pertaining to an election who has committed a crime falling in one of the items of the preceding clause in connection with the election in question shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen This rule shall apply to the police officer who has committed similar crimes in connection with the election in the Metropolis or prefecture concerned

Article 112-2 A person who has committed one of the following acts shall be liable to confinement or penal servitude for not more than five years

1 When, with the object of obtaining material benefits, a person has, on behalf of a candidate, committed against a large number of voters or election canvassers, or caused them to commit one of the acts mentioned in Items one to three, five or six of the first clause of the preceding article

2. When, with the object of gaining material benefits, a person has, on behalf of a candidate, undertaken to commit against a large number of electors or election canvassers, caused them to undertake to commit, or made proposals therefor, one of the acts mentioned in Items one to three, five or six of the first clause of the preceding article

This rule shall apply in case a person, who has committed one of the offenses mentioned in Items one to three, five or six is a habitual offender

Article 113 Those who come under any of the following heads shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen

1 Those who have offered the advantages mentioned in the first and second items of the first section of Article 112 to a candidate or to a person, who contemplates becoming a candidate, for the purpose of dissuading him from candidacy, or to an elected person for the purpose of persuading him to decline the election

2 Those who have acted as mentioned in the first item, of the first section of Article 112 for the purpose of compensating a candidate for having withdrawn his candidacy or becoming a candidate or a person elected for having declined election, or for having mediated or persuaded with the same objects

3 Those who have received or demanded offers or entertainments under the two preceding sections or have accepted a proposal under the second section or have agreed to or sought persuasion under the first section

4 Those who have acted to mediate between or persuade others in relation to the acts mentioned in the preceding sections

An officer or official as mentioned in Article 8 in charge of matters pertaining to an election who has committed one of the crimes mentioned in the preceding clause in connection with the election in question is liable to confinement or penal servitude for more than five years or to a fine of not more than 40,000 yen The same rule shall apply to those police officers who have committed similar crimes in connection with the election in the Metropolis or prefecture concerned

Article 114 Any articles or benefits received in consequence of actions enumerated in the three preceding articles shall be confiscated, if confiscation in whole or in part is impossible, supplementary compensation shall be collected

Article 115 Those who fall under any of the following heads shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen

1 Those who, in connection with an election, subject to an act of violence or to intimidation, or abduct an elector, a candidate, a would-be candidate, a canvasser, or an elected person

2 Those who obstruct freedom of movement, meetings or speeches or who by fraudulent or other unfair means obstruct the exercise of the right of election

3 Those who, in connection with an election, take advantage of irrigation, tenancy, credit, contributions or other interests of an elector, candidate, would-be candidate, canvasser, or elected person, or of a shrine, temple, school, company, guild, or civic corporation in which such persons are interested, and threaten an elector, candidate, would-be candidate, canvasser, or elected person

Article 116 When in connection with an election a government or public entity, official or those mentioned in Article 8 have wilfully neglected to discharge their duty or have obstructed the exercise of the right of election by the abuse of their authority, tracing candidates or election canvassers, or intruding into their houses or election offices without any justifiable reason, they shall be liable to confinement for not more than four years

A government or public entity official or those mentioned in Article 8 who requests an elector to reveal the name of the candidate for whom he intends to vote or has voted shall be sentenced to minor confinement for not more than six months or to pay a fine or not more than 3,000 yen

Article 117 When an officer or official as mentioned in Article 8, witness or overseer connected with the election has revealed the name of candidates voted for by electors, he shall be liable to minor confinement for not more than 2 years or to pay a fine or not more than 10,000 yen The same penalties shall apply in cases of false representation of votes cast

Article 118 When, without any justifiable cause, any person has either at a polling-place or a counting-place, interfered with the voting of an elector or has put into

practice any device to discover the name of a person voted for, he shall be liable to minor confinement for not more than one year, or to pay a fine of not more than 5,000 yen.

Any person who, contrary to law and regulations, has opened a ballot box or has removed ballots therefrom shall be liable to minor confinement or penal servitude for not more than three years or to pay a fine of not more than 20,000 yen.

Article 119. Whoever has committed violence against or threatened a voting overseer, counting overseer, chairman of election, witness, or election overseer, or has disturbed an election meeting, counting-place or voting-place, or has detained, damaged, or plundered ballots or ballot boxes or election documents shall be liable to minor confinement or penal servitude for not more than four years.

Article 120. Whoever has committed an offense mentioned in the first section of Article 115 or in the preceding article by assembling a crowd shall be liable to be penalized as follows:

1. The principal leaders shall be liable to confinement or penal servitude for not less than one year and not more than seven years.

2. The leader shall be liable to confinement or penal servitude for not less than six months and not more than five years.

3. Whoever has knowingly joined such a crowd to add to its influence shall be liable to pay a fine of not more than 1,000 yen.

Whoever has knowingly formed a crowd or joined it in offense against any provision of the first section of Article 115 or against the preceding article and has disobeyed more than three times the orders of the officers or officials of the election dispersing the crowd, shall be liable to pay a fine of not more than 100 yen and the leader shall be liable to minor confinement for not more than two years.

Article 121. When, in connection with an election, whoever uses a firearm, sword, dagger, bludgeon, or other weapon capable of causing death or injury, he shall be liable to minor confinement for not more than two years or to pay a fine of not more than 10,000 yen.

A police official may, whenever it is judged necessary, seize any of the weapons mentioned in the preceding clause.

Article 122. Whoever enters a place of election meeting, counting-place carrying any of the weapons mentioned in the preceding article shall be liable to minor confinement for not more than three years or to a fine of not more than 20,000 yen.

Article 123. In case any person has offended against the provisions mentioned in the two preceding articles, the weapons carried by him shall be confiscated.

Article 124. Whoever, in connection with an election, makes a display, such as assembling a crowd, conducting a procession or parade, making use of fireworks, bonfires or torchlights, beating bells or drums or sounding conches or bugles or raising flags, etc., and disregards the warning of police officials to stop, shall be liable to minor confinement for nor more than six months or to a fine of not more than 3,000 yen.

Article 125. Whoever, with the object of inducing other persons to commit any of the acts mentioned in Articles 112, 113, 115, 118–122, or the preceding article, incites them by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen. Provided that in case a newspaper or magazine is found guilty of such acts, the person registered as the editor or who has taken the place of an editor shall be liable to the foresaid punishment.

Article 126. Whoever commits an offense under any of the following items by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than two years or to a fine of not more than 10,000 yen. In cases involving newspapers or magazines the proviso of the preceding article shall apply.

1. Whoever, with the object of being elected or causing a candidate to be elected has published false information about his rank, position, occupation, or career.

2. Whoever has published false information about a candidate with the object of preventing his election.

Article 127. Any person, not an elector, who has voted shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen.

Any person who has voted by fraudulently assuming the name of another person or by other unfair means shall be liable to minor confinement for not more than two years or to a fine of not more than 10,000 yen.

Any person who has forged votes or manipulated votes to affect their number shall be liable to minor confinement or penal servitude for not more than three years or to a fine of not more than 20,000 yen.

In case any officer, official as mentioned in Article 8, witness, or scrutineer has offended against the preceding section, he shall be liable to minor confinement or penal servitude for not more than five years or to a fine of not more than 20,000 yen.

Article 128. Should a witness fail to discharge any of the duties provided in the present law without any justifiable reason, he shall be liable to a fine of not more than 1,000 yen.

Article 129. Any person who has offended against the provisions of Article 95, 96 and 98 has disobeyed the orders made in accordance with the provisions of Article 94 is liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen.

Article 130. Any person who has established election offices in excess of the number authorized in Article 90, or who has offended against the provisions of Article 91 or has established resting-places or places of like character, as described in Article 92, shall be liable to a fine of

not more than 3,000 yen

Article 131 A person who has offended against the provisions of the first clause of Article 89, Article 99 or Article 101–4, 105, 106 and 109 shall be liable to minor confinement of not more than six months or to a fine of not more than 3,000 yen

Article 132 A person who has neglected to make reports or to give notices in accordance with the second section of Article 89 or the fourth or fifth clause of Article 101 shall be liable to a fine of not more than 1,000 yen

Similar punishment shall be applied to a person who has offended against orders issued in accordance with the provisions of Article 100

Article 133 Deleted

Article 134 A person who has paid out expenses of election contrary to Item three of Article 101 shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen

Article 135 Any person who commits an offense under any of the following heads shall be liable to minor confinement for not more than six months or to a fine of not more than 3,000 yen

1 One who has neglected to prepare or keep the books provided for in Article 108–2, par 1 or has entered a false statement or false account in the books

2 One who, contrary to the first section of Article 108–2, par 2, has failed to preserve books or documents

3 One who has entered a false statement in the books or documents to be preserved under the first clause of Article 108–2, par 2

Article 136 An election shall be invalid when in connection therewith, a candidate has offended against the provisions of this chapter and been punished, or the person who controlled and managed election campaigns has been punished for offending against the provisions of Articles 112 or 113 except when the person elected has taken proper care in the selection and supervision of the person who controlled and managed the election campaigns, did not know the person as such, or the person in question, in spite of refusal by the elected, did control and manage the election campaign

Article 137 Any person who has been punished for offending against any of the provisions of this chapter, (except those of Articles 130 and 132) shall be forbidden to exercise the right to vote and the right to be elected in an election to which the provisions of this Chapter apply mutatis mutandis, for a period of five years after the decision of the court, in case he was sentenced to pay a fine, or in case he was sentenced to confinement or more severe punishment, for the period from the time when the decision of the court was given until his term of punishment has expired, or until he has been exempted from execution of the sentence (except in case of a sentence extinguished by prescription) and another period of five years immediately following This rule shall also apply for the period in case he was sentenced to confinement or more severe punishment, from the time when the decision of the court was given until the time when he is no longer liable to execution of any sentence

In the case of a person who has been punished for an offense against any of the provisions of Article 112 or 113, or any offense to which these provisions are correspondingly applied, and who is again to be punished for an offense under Article 112 or 113, the term of five years mentioned in the preceding section shall be extended to ten years

The court of law, in extenuating circumstances, may, while giving sentence to a person whose offense falls under the provisions of the first clause of the article, declare that the provisions of the same clause disqualifying him for voting or eligibility for five years shall not be applied, or that the term be reduced, or, in the case of a person whose offense falls under the provisions of the preceding clause, that the term of ten years provided for in the same clause be reduced

Article 138 For an offense punishable according to the third and fourth sections of Article 127 one year shall be considered as the term of prescription

For an offense punishable according to the provisions of this chapter, other than those mentioned in the preceding section, six months shall be considered as the term of prescription, except when the offender has absconded, in which case one year shall be considered as the term

Article 138–2 When Voting-Overseers, Ballot-Counting Overseers or Chairmen of Election have come to lose their right to vote, they shall not remain in such positions

Chapter XIII

Supplementary Rules

Article 139 Election expenditures shall be fixed by Ordinance

Article 140 A candidate or the person who has recommended a candidate may send ten thousand (10,000) ordinary postcards for election campaign per candidate free of charge as provided by ordinance

In accordance with ordinance, schools or other buildings which are designated by ordinance may be used for campaign speeches

[illegible]

Overseeing the Election of Members of the District or Prefectural Assemblies shall as provided for in Ordinance

issue pamphlets in which names of candidates, their personal histories or other items are given.

The Commission for Overseeing the Election of Members of the Municipal, Town, or Village Assemblies shall post up a notice of the names of the candidates in accordance with ordinance.

Article 141. In lawsuits under the provisions of Article 16, 81 or 83, or the first section of Article 84, the example of civil cases shall be followed with the exceptions provided in this present law.

Article 141-2. With regard to the lawsuits under the provisions of the second clause of Article 84 of the present law, the provision of the Code of Criminal Procedure on the private lawsuits shall be applicable, excepting the provisions of Items two, three, five to eight and ten to thirteen of Article 572, Article 574, 582, 588, 589, 591, 605-610 and 612, provided that "the Code of Civil Procedure" and "the Civil Department" shall read "the Code of Criminal Procedure" and "the Criminal Department" respectively.

A judgment invalidating an election, which has been passed for a suit brought under the provisions of the second clause of Article 84, shall not come into force, unless a sentence of guiltiness has been declared for the public action on the same case.

Article 141-3. When a lawsuit has been instituted on an election, the court of law shall immediately sit in judgment notwithstanding the order of lawsuits on hand.

Article 142. In respect of criminal cases enumerated in Chapter XII of the present law, the court of revision shall not be bound by the term provided in the first clause of Article 422 of the Code of Criminal Procedure.

Article 143. When, in connection with an election, an elected person has been punished for offenses enumerated in Chapter XII or the person who controlled and managed election campaigns has been punished for offending against the provisions of Article 112 or 113, the president of the court of law shall notify the Minister of Home Affairs and the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies concerned through the governor of the Metropolis, District or Prefecture concerned.

Article 144. In the application of the present law, a corporation of towns or villages which takes charge of the entire office of towns or villages or conducts affairs of the town or village, the Commission for Overseeing the Election of Members of the Corporation and Commissioners for the same or the Commission for Overseeing the Election of Overseers of the Corporation or the Commissioners for the same, and the Commission for Overseeing the Election of Members of the Town or Village Assemblies or the Commissioners for the same and the corporation office as the town or village office.

The Commissions for Overseeing the Election of Town or Village Heads under Article 38 the Town or Village System Regulations and the Commissioners for the same shall be regarded as the Commissions for Overseeing the Election of Members of Town or Village assemblies or the Commissioners for the same in the application of this Law.

Article 145. For the areas of wards of the Tokyo Metropolis and the Cities enumerated in Article 6 and the first clause of Article 82 of the Law on Municipalities, the provisions concerning the cities, The Commission for Overseeing the Election of Members of the Municipal Assemblies and the Commissioners for the same and city offices in the present law are applied to wards, the Commissions for Overseeing the Election of Members of the Ward Assemblies and the Commissions for the same, or the Ward Commission for Overseeing the Election of Members of the Municipal Assemblies and the Commissions for the same and ward offices rsepectively. However, in applying the provisions of Article 12, the "persons who have been domiciled for more than six months without interruption in their respective localities" shall be understood as the persons who have been domiciled for more than six months without interruption in the area where the wards of the Tokyo Metropolis exist, or in the cities of the Metropolis, and who are domiciled in in the wards on that day.

In a place where there is no town or village system, the provisions of the present Law relating to the Commission for Overseeing the Election of Members of Town or Village Assemblies, town or village heads, the town or village offices are applicable to the corresponding organizations, persons, and offices respectively.

Article 146. When, in an island or other place where communications are very difficult, the provisions of the present law are hardly applicable, special provisions may be enacted by imperial ordinance.

Article 147. When the voting is conducted in accordance with Article 33, a person who takes charge of the voting is recognized as a voting overseer, the place where the votes are recorded as a polling-place and witnesses present at the voting as voting witnesses, and the provisions of Chapter XII shall be applied.

Article 148. Deleted.

Article 149. The provisions of Section 9, Article IV, Part II of criminal law, No. 36 of 1880 shall not be applied to the election of members of the House of Representatives.

Article 150. The present law shall not be enforced for the time being in the islands of Ogasawara in Tokyo Metropolis or in the countries of Shumushu, Niichi, and Emu, under the Nemuro branch office in the Hokkaido.

Annex

List of Electoral Districts With Quotas of Members

Electoral District	Number of Members
Tokyo-To	
No 1 District	4
Chiyoda ku	
Chuo-ku	
Minato-ku	
Shinjiku-ku	
Bunkyo-ku	
Daito-ku	
No 2 District	3
Shinagawa ku	
Ota ku	
Area under the jurisdiction of Oshima shicho	
Area under the jurisdiction of Miyake-shicho	
Area under the jurisdiction of Hachijojima-shicho	
No 3 District	3
Meguro-ku	
Setagaya ku	
No 4 District	3
Shibuya-ku	
Nakano-ku	
Suginami-ku	
No 5 District	4
Toshima-ku	
Kita ku	
Itabashi-ku	
No 6 District	
Sumida ku	5
Koto-ku	
Arakawa-ku	
Adachi ku	
Katsqshika ku	
Edogawa-ku	
No 7 District	5
Hachioji-shi	
Tachikawa-chi	
Nishitama gun	
Minamitama gun	
Kitatama-gun	
Kyoto-Fu	
No 1 District	5
Kamikyo-ku	
Nakakyo-ku	
Sakyo-ku	
Higashiyama ku	
Shimokyo ku	
No 2 District	5
Ukyo ku	
Fushimi-ku	
Otaki ku	
Kadono-ku	
Otowani-ku	
Uji-gun	
Kyze-gun	
Tsuzuki-gun	
Soraku-gun	
Fukuchiyama-shi	
Maizuru-shi	
Minamikuwata gun	
Kitakuwata gun	
Funai-gun	
Amada gun	
Ikaruka-gun	
Kasa-gun	
Yosa-gun	
Noka-gun	
Takeno-gun	
Kumano-gun	
Osaka-Fu	
No 1 District	4
Nishi-ku	
Minato-ku	
Taisho-ku	
Tenoji-ku	
Minami-ku	
Naniwa-ku	
Ikuno-ku	
Abeno-ku	
Sumiyoshi ku	
Higashisumiyoshi ku	
Nishinari-ku	
No 2 District	4
Kita ku	
Miyakojima-ku	
Fukushima ku	
Konohana ku	
Higashi-ku	
Oyodo-ku	
Nishiyodogawa-ku	
Higashiyodogawa ku	
Higashinari ku	
Asahi ku	
Joto-ku	
No 3 District	4
Toyonaka-shi	
Ikeda-shi	
Suita-shi	
Takatsuki-shi	
Morikuchi-shi	
Mishima gun	
Toyono-gun	
Kitakawachi gun	
No 4 District	4
Fuse-shi	
Minamikawachi-gun	
Nakakawachi gun	
No 5 District	3
Sakai-shi	
Kishiwada-shi	
Izumiotsu-shi	
Kaizuka-shi	
Izukita gun	
Izunami gun	

Electoral District	Number of Members
Kanagawa-Ken:	
No. 1 District	4
Yokohama-shi	
No. 2 District	4
Yokosuka-shi	
Kawasaki-shi	
Kamakura-shi	
Miura-gun	
Kamakura-gun	
No. 3 District	5
Hiratsuka-shi	
Fujisawa-shi	
Odawara-shi	
Koza-gun	
Naka-gun	
Ashigarakami-gun	
Ashigarashimo-gun	
Aiko-gun	
Tsukui-gun	
Hyogo-Ken.	
No. 1 District	3
Kobe-shi	
No. 2 District	5
Amagasaki-shi	
Nishinomiya-shi	
Sumoto-shi	
Ashiya-shi	
Itami-shi	
Muko-gun	
Kawabe-gun	
Arima-gun	
Tsuna-gun	
Mihara-gun	
No. 3 District	3
Akashi-shi	
Akashi-gun	
Mino-gun	
Kato-gun	
Taka-gun	
Kasai-gun	
Kako-gun	
Innami-gun	
No. 4 District	4
Himeji-shi	
So-shi	
Shikama-gun	
Kanzaki-gun	
Iho-gun	
Akao-gun	
Sayo-gun	
Shiso-gun	
No. 5 District	3
Kinosaki-gun	
Izushi-gun	
Yabu-gun	
Asago-gun	
Mikata-gun	
Higami-gun	
Taki-gun	

Electoral District	Number of Members
Nagasaki-Ken:	
No. 1 District	5
Nagasaki-shi	
Shimabara-shi	
Isahaya-shi	
Nishisonogi-gun	
Kitatakaki-gun	
Minamitakaki-gun	
Area under the jurisdiction of Tsushima-shicho (Local Government Office)	
No. 2 District	4
Sasebo-shi	
Omura-shi	
Higashisonogi-gun	
Kitamatsuura-gun	
Minamimatsuura-gun	
Iki-gun	
Niigata-Ken:	
No. 1 District	3
Niigata-shi	
Nishikanbara-gun	
Sado-gun	
No. 2 District	4
Shibata-shi	
Kitakanbara-gun	
Nakakanbara-gun	
Higashikanbara-gun	
Iwafune-gun	
No. 3 District	5
Nagaoka-shi	
Sanjo-shi	
Kashiwazaki-shi	
Minamikanbara-gun	
Mishima-gun	
Koshi-gun	
Kitauonuma-gun	
Minamiuonuma-gun	
Kariha-gun	
No. 4 District	3
Takada-shi	
Nakauonuma-gun	
Higashikubiki-gun	
Nakakubiki-gun	
Nishikubiki-gun	
Saitama-Ken.	
No. 1 District	4
Kawaguchi-shi	
Urawa-shi	
Omiya-shi	
Kitaadachi-gun	
No. 2 District	3
Kawagoe-shi	
Iruma-gun	
Hiki-gun	
No. 3 District	3
Kumagaya-shi	
Chichibu-gun	
Kodama-gun	
Osato-gun	

Electoral District	Number of Members
No 4 District	3
Kitasaitama-gun	
Minamisaitama-gun	
Kitakatsushika gun	
Gumma-Ken	
No 1 District	3
Maebashi-shi	
Isezaki-shi	
Seta-gun	
Ione-gun	
Saba-gun	
No 2 District	3
Kiriu-shi	
Nitta-gun	
Yamada-gun	
Ora-gun	
No 3 District	4
Takasaki-shi	
Gumma-gun	
Tano-gun	
Kitakama-gun	
Usui-gun	
Akatsuma-gun	
Chiba Ken	
No 1 District	4
Chiba-shi	
Ichikawa-shi	
Funabashi-shi	
Matsudo-shi	
Chiba-gun	
Ichihara-gun	
Higashikatsushika-gun	
No 2 District	4
Choshi-shi	
Inba-gun	
Unakami-gun	
Sosa-gun	
Katori-gun	
No 3 District	5
Tateyama-shi	
Kisarazu-shi	
Chosei-gun	
Sanbu-gun	
Kimitsu-gun	
Isumi-gun	
Awa-gun	
Ibaraki-Ken	
No 1 District	4
Mito-shi	
Higashi-ibaraki-gun	
Nishi-ibaraki-gun	
Kashima-gun	
Yukue-gun	
Inashiki-gun	
Kitasoma gun	
No 2 District	3
Hitachi-shi	
Naka-gun	
Kuji-gun	
Taga-gun	
No 3 District	5
Tsuchiura-shi	
Niiji-gun	
Chikuba-gun	
Makabe-gun	
Sarushima-gun	
Yuki-gun	
Tochigi-Ken	
No 1 District	5
Utsunomiya-shi	
Kawachi-gun	
Kamizuka-gun	
Shioya-gun	
Nasu gun	
No 2 District	5
Ashikaga-shi	
Tochigi-shi	
Sano-shi	
Haga-gun	
Shimotsuka-gun	
Aso-gun	
Ashikaga-gun	
Nara-Ken	5
Mie-Ken	
No 1 District	5
Tsu-shi	
Yokkaichi-shi	
Kuwana-shi	
Ueno-shi	
Suzuka-shi	
Kuwana-gun	
Inabe-gun	
Mei-gun	
Suzuka-gun	
Kawage-gun	
Ano-gun	
Ichishi-gun	
Ayama gun	
Naga-gun	
No 2 District	4
Ujiyamada-shi	
Matsuzaka-shi	
Iina-gun	
Take-gun	
Watarai-gun	
Shima-gun	
Kitamuro-gun	
Minamimuro-gun	
Aichi-Ken	
No 1 District	5
Nagoya-shi	
No 2 District	4
Seto-shi	
Handa-shi	
Kasugai-shi	
Aichi-gun	
Higashikasugai gun	
Nishikasugai-gun	
Chita-gun	

Electoral District	Number of Members
No. 3 District	3
Ichinomiya-shi	
Tsushima-shi	
Niwa-gun	
Haguri-gun	
Nakajima-gun	
Kaibu-gun	
No. 4 District	4
Okazaki-shi	
Hekikai-gun	
Hazu-gun	
Nukata-gun	
Nishikamo-gun	
Higashikamo-gun	
No. 5 District	3
Toyohashi-shi	
Toyokawa-shi	
Kitashidara-gun	
Minamishidara-gun	
Hoi-gun	
Atsumi-gun	
Yana-gun	
Shizuoka-Ken:	
No. 1 District	5
Shizuoka-shi	
Shimizu-shi	
Ihara-gun	
Abe-gun	
Shita-gun	
Haibara-gun	
Ogasa-gun	
No. 2 District	5
Numazu-shi	
Atami-shi	
Mishima-shi	
Fujimiya-shi	
Kamo-gun	
Tagata-gun	
Sunto-gun	
Fuji-gun	
No. 3 District	4
Hamamatsu-shi	
Iwata-gun	
Suchi-gun	
Hamna-gun	
Inasa-gun	
Yamanashi-Ken:	
No. 1 District	5
Shiga-Ken:	
No. 1 District	5
Gifu-Ken:	
No. 1 District	5
Gifu-shi	
Ogaki-shi	
Inaba-gun	
Hashima-gun	
Yoro-gun	
Fuha-gun	
Anbachi-gun	
Ibi-gun	

Electoral District	
Motosu-gun	
Yamagata-gun	
Mugi-gun	
No. 2 District	
Takaya-shi	
Tajimi-shi	
Kunjo-gun	
Kamo-gun	
Kani-gun	
Toki-gun	
Ena-gun	
Mashita-gun	
Ono-gun	
Yoshiki-gun	
Nagano-Ken:	
No. 1 District	
Nagano-shi	
Sarashina-gun	
Kamitakai-gun	
Khimotakai-gun	
Kamiminochi-gun	
Shimominochi-gun	
No. 2 District	
Ueda-shi	
Minamisaku-gun	
Kitasaku-gun	
Chisagata-gun	
Hanishina-gun	
No. 3 District	
Okaya-shi	
Iida-shi	
Suwa-shi	
Suwa-gun	
Kamiina-gun	
Shimoina-gun	
No. 4 District	
Matsumoto-shi	
Nishichikuma-gun	
Higashichikuma-gun	
Minamiazumi-gun	
Kitaazumi-gun	
Miyagi-Ken:	
No. 1 District	5
Sendai-shi	
Shiogama-shi	
Katta-gun	
Shibata-gun	
Igu-gun	
Watari-gun	
Natori-gun	
Miyagi-gun	
Kurokawa-gun	
Kami-gun	
Shida-gun	
Toda-gun	
No. 2 District	4
Ishinomaki-shi	
Tamatsukuri-gun	
Kurihara-gun	
Tome-gun	

Electoral District	Number of Members
Mono-gun	
Oshika-gun	
Motoyoshi-gun	
Fukushima-Ken	
No 1 District	4
Fukushima-shi	
Koriyama-shi	
Shinobu-gun	
Date-gun	
Adachi-gun	
Asaka-gun	
No 2 District	5
Wakamatsu-shi	
Iwase-gun	
Minamiaizu-gun	
Kitaaizu-gun	
Yama-gun	
Kawanuma-gun	
Onuma-gun	
Higashishirakawa-gun	
Nishishirakawa-gun	
Ishikawa-gun	
Tamura-gun	
No 3 District	3
Taira-shi	
Iwaki-gun	
Futaba-gun	
Soma-gun	
Iwate-Ken	
No 1 District	4
Morioka-shi	
Kamaishi-shi	
Miyako-shi	
Iwate-gun	
Shiba-gun	
Kamihei-gun	
Shimohei-gun	
Kunoe-gun	
Ninoe-gun	
No 2 District	4
Hienuki-shi	
Waka-gun	
Kisawa-gun	
Esashi-gun	
Nishiiwai-gun	
Higashiiwai-gun	
Kisen-gun	
Aomori-Ken	
No 1 District	4
Aomori-shi	
Hachinoe-shi	
Hiyashitsugaru-gun	
Kamikita-gun	
Shimokita-gun	
Sannoe-gun	
No 2 District	3
Hirosaki-shi	
Nishitsugaru gun	
Nakatsugaru gun	
Minamitsugaru gun	
Kitatsugaru-gun	
Yamagata-Ken	
No 1 District	4
Yamagata-shi	
Yonezawa-shi	
Minamimurayama-gun	
Higashimurayama-gun	
Nishimurayama-gun	
Minamiokitama-gun	
Higashiokitama-gun	
Nishiokitama-gun	
No 2 District	4
Tsuruoka-shi	
Sakata-shi	
Kiparayama-gun	
Mogami-gun	
Higashitagawa-gun	
Nishitagawa-gun	
Atsumi gun	
Akita-Ken	
No 1 District	4
Akita-shi	
Noshiro-shi	
Kazuno-gun	
Kitaakita-gun	
Yamamoto-gun	
Minamiakita-gun	
Kawabe-gun	
No 2 District	4
Yuri-gun	
Senkoku-gun	
Hiraka-gun	
Okachi-gun	
Fukui-Ken	
No 1 District	4
Ishikawa-Ken	
No 1 District	3
Kanazawa-shi	
Komatsu-shi	
Enuma-gun	
Nomi-gun	
Ishikawa-gun	
No 2 District	3
Nanao-shi	
Kakoku-gun	
Hagui-gun	
Kashima gun	
Fugeshi-gun	
Suzu-gun	
Toyama-Ken	
No 1 District	3
Toyama-shi	
Kaminikawa gun	
Nakaniikawa-gun	
Shimoniikawa gun	
Nei-gun	
No 2 District	3
Takaoka-shi	
Imizu-gun	
Himi-gun	

Electoral District	Number of Members
Higashitonami-gun	
Nishitonami-gun	
Tottori-Ken:	
No. 1 District	4
Shimane-Ken:	
No. 1 District	5
Okayama-Ken:	
No. 1 District	5
Okayama-shi	
Tsuyama-shi	
Mitsu-gun	
Akaiwa-gun	
Wake-gun	
Oku-gun	
Jodo-gun	
Maniwa-gun	
Tomata-gun	
Katsuta-gun	
Aida-gun	
Kume-gun	
No. 2 District	5
Kurashiki-shi	
Tamono-shi	
Kojima-gun	
Tsukubo-gun	
Asakuchi-gun	
Oda-gun	
Shitsuki-gun	
Kibi-gun	
Kamibo-gun	
Kawakami-gun	
Atetsu-gun	
Hiroshima-Ken:	
No. 1 District	3
Hiroshima-shi	
Saheki-gun	
Asa-gun	
Yamagata-gun	
Takata-gun	
No. 2 District	4
Kure-shi	
Aki-gun	
Kamo-gun	
Toyota-gun	
No. 3 District	5
Onomichi-shi	
Fukuyama-shi	
Mihara-shi	
Mitsugi-gun	
Sera-gun	
Numakuma-gun	
Fukayasu-gun	
Ashina-gun	
Jinseki-gun	
Konu-gun	
Futami-gun	
Hiba-gun	
Yamaguchi-Ken:	
No. 1 District	4
Shimonoseki-shi	
Ube-shi	
Hagi-shi	
Onota-shi	
Asa-gun	
Toyora-gun	
Mine-gun	
Otsu-gun	
Abu-gun	
No. 2 District	5
Yamaguchi-shi	
Tokuyama-shi	
Bofu-shi	
Shitamatsu-shi	
Iwakuni-shi	
Hikari-shi	
Oshima-gun	
Kuka-gun	
Kumage-gun	
Tsuno-gun	
Saba-gun	
Yoshiki-gun	
Wakayama-Ken:	
No. 1 District	3
Wakayama-shi	
Kainan-shi	
Kaiso-gun	
Naka-gun	
Ito-gun	
No. 2 District	3
Shingu-shi	
Tanabe-shi	
Arita-gun	
Hitaka-gun	
Nishimuro-gun	
Higashimuro-gun	
Tokushima-Ken:	
No. 1 District	5
Kagawa-Ken:	
No. 1 District	3
Takamatsu-shi	
Okawa-gun	
Kida-gun	
Shozu-gun	
Kagawa-gun	
No. 2 District	3
Marugame-shi	
Sakaide-shi	
Ayauta-gun	
Nakatado-gun	
Mitoyo-gun	
Ehime-Ken:	
No. 1 District	3
Matsuyama-shi	
Onsen-gun	
Iyo-gun	
Kamiukeana-gun	
No. 2 District	3
Imaharu-shi	
Niihama-shi	
Saijo-shi	

Electoral District	Number of Members
Ochi-gun	
Shuso-gun	
Nihi-gun	
Uma-gun	
No 3 District	3
Uwajima-shi	
Yawatahama-shi	
Kita-gun	
Nishiuwa-gun	
Higashiuwa-gun	
Kitauwa-gun	
Minamiuwa gun	
Kochi-Ken	
No 1 District	5
Fukuoka-Ken	
No 1 District	5
Fukuoka-shi	
Kasuya-gun	
Munakata-gun	
Asakura-gun	
Tsukushi gun	
Sawara-gun	
Itoshima-gun	
No 2 District	5
Yawata-shi	
Tobata-shi	
Nogata-shi	
Iizuka-shi	
Onga gun	
Furate gun	
Kaho-gun	
No 3 District	5
Kurume-shi	
Omuta-shi	
Ukiha gun	
Mitsui-gun	
Mitsuma gun	
Yame-gun	
Yamato-gun	
Miike gun	
No 4 District	4
Kokura shi	
Moji-shi	
Kagawa shi	
Kiku-gun	
Tagawa-gun	
Miyako-gun	
Chikujo-gun	
Oita Ken	
No 1 District	4
Oita-shi	
Hida-shi	
Saeki-shi	
Oita-gun	
Kitaamabe-gun	
Minamiamabe gun	
Ono-gun	
Naoiri-gun	
Hida-gun	
No 2 District	3

Electoral District	Number of Members
Beppu-shi	
Nakatsu-shi	
Nishikunisaki-gun	
Higashikunisaki-gun	
Hayami-gun	
Shimonoge-gun	
Usa gun	
Saga-Ken	
No 1 District	5
Kumamoto-Ken	
No 1 District	5
Kumamoto-shi	
Arao-shi	
Hotaku-gun	
Tamana gun	
Shikamoto-gun	
Kikuchi-gun	
Aso-gun	
No 2 District	5
Yatsushiro-shi	
Hitoyoshi shi	
Udo-gun	
Kami Masushiro-gun	
Shimo Masushiro-gun	
Yatsushiro-gun	
Ashikita-gun	
Kyuma-gun	
Miyazaki-Ken	
No 1 District	3
Miuazaki-shi	
Nobeoka-shi	
Miyazaki-gun	
Konoyu-gun	
Higashi Sonoki gun	
Nishi Sonoki gun	
No 2 District	3
Miyakonojo-shi	
Minami Naka gun	
Kita Morogata-gun	
Nishi Morogata-gun	
Higashi Morogata gun	
Kagoshima-Ken	
No 1 District	4
Kagoshima-shi	
Kagoshima gun	
Ibusuki-gun	
Kawanebe gun	
Hioki-gun	
No 2 District	3
Sendai-shi	
Satsuma gun	
Izumi-gun	
Isa-gun	
Aira gun	
No 3 District	3
Kanaya-shi	
Kimotsuki-gun	
Soo-gun	
Kumage gun	
Area under the jurisdiction of Oshima-shicho	

Electoral District	Number of Members
Hokkaido:	
No. 1 District	5
Sapporo-shi	
Otaru-shi	
Area under the jurisdiction of Ishikari-shicho	
Area under the jurisdiction of Shiribeshi-shicho	
No. 2 District	4
Asahigawa-shi	
Area under the jurisdiction of Kamikawa-shicho	
Area under jurisdiction of Soya-shicho	
Area under jurisdiction of Rumoi-shicho	
No. 3 District	3
Hakodate-shi	
Area under the jurisdiction of Hiyama-shicho	
Area under the jurisdiction of Toshima-shicho	
No. 4 District	5
Muroran-shi	
Yubari-shi	
Iwamizawa-shi	
Area under the jurisdiction of Sorachi-shicho	
Area under the jurisdiction of Ibari-shicho	
Area under the jurisdiction of Hidaka-shicho	
No. 5 District	5
Kushiro-shi	
Obihiro-shi	
Kitami-shi	
Abashiri-shi	
Area under the jurisdiction of Tokachi-shicho	
Area under the jurisdiction of Kushiro-shicho	
Area under the jurisdiction of Nemuro-shicho	
Area under the jurisdiction of Abashiri-shicho	

SUPPLEMENTARY RULES

Article 1 This law shall come into force so that the coming general election may be effected according thereto However Articles 10 and 11 of supplementary provisions [illegible]

[illegible]

executives thereof are elected, amended provisions for the [illegible]

[illegible]

above mentioned are not yet enforced

Article 2 The President of the Court of Administrative Litigation and judges of the same in active service shall not be eligible until the Japanese Constitution comes into force in spite of the provisions of this Law

Article 3 In Article 10 of this revised Law for the Election of Members of the House of Representatives, "the director-general of the Cabinet secretariat" shall read "the Chief Secretary of the Cabinet," till the coming into force of the Japanese Constitution

Article 4 In Article 16, par 2, of this revised law for the Election of Members of the House of Representatives, "the Supreme Court and in Article 81, Article 83, par 1, and Article 84, par 1, "the High Court shall read 'The Supreme Court," that is '*Daishin-in*, till the coming into force of the Japanese Constitution

Article 5 Before the coming into force of the Japanese Constitution, the date of a general election shall be determined and proclaimed by an imperial ordinance in spite of the provisions of revised Article 18, par 4, of this revised Law for the Election of Members of the House of Representatives

Article 6 In the coming general election, within ten (10) days" in Article 7 of the Law for Election of Members of the House of Representatives shall be regarded as five (5) days

Article 7 Partial amendments shall be made to the law for Election of Members of the House of Councillors as follows

Article 2 in Additional Rules shall be amended as follows Article 2 Deleted

Articles 5 to 8 in Additional Rules shall be amended as follows Articles 5 to 8 Deleted

Article 8 Partial amendment shall be made to the law for the Tokyo Metropolis System as follows

In Article 93-20 (of the said Law), the following shall be added

', names, personal histories etc in Article 140, par 4 of the said Law shall read political opinions "

Article 9 Partial amendment shall be made to the Law for the District and Prefectures System as follows

In Article 74-20 (of the said Law), the following shall be added

, names, personal histories etc in Article 140, par 4 of the said Law shall read political opinions '

Article 10 Following amendments shall be made to the law concerning organization of city

In Article 39, proviso, officials are commissioners for overseeing election, ward commissioners for overseeing election, secretaries of commission for overseeing election and of ward commission for overseeing election, chairman of election, chairman of subcommittees for voting and chairman of subcommittee for ballot counting" shall read ' those mentioned in Article 8 are chairman of subcommittee for voting and chairman for ballot counting "

Article 40, proviso shall read as follows

However, those mentioned in Article 8 which is quoted in Article 112, par 2, Article 113, par 2, Article 116, Article 117 and Article 127, par 4, the law of election for the House of Representatives, shall include chairmen of subcommittee for voting and chairman of subcommittee for ballot counting

Article 11 Following amendments shall be made to law concerning the organization of town or village

In Article 36-2 of the said law, Article 96 shall be added next to "Article 95" and also Article 100-2 shall be deleted

Article 36 proviso shall read as follows

However, those mentioned in Article 8 which is quoted in Article 99 of the said law shall include chairman of subcommittee for voting and chairman of subcommittee for ballot counting

Article 37 proviso shall read as follows

However, those mentioned in Article 8 which is quoted in Article 112, par 2, Article 116, Article 117 and Article 127, par 4 of the law of election for the House of Representatives shall include chairman of subcommittee for voting and chairman of subcommittee for ballot counting

IMPERIAL HOUSE LAW
(Law No. 3, January 16, 1947)

Chapter I. Succession to the Imperial Throne

Article 1. The Imperial Throne shall be succeeded to by a male offspring in the male line belonging to the Imperial Lineage.

Article 2. The Imperial Throne shall be passed to the members of the Imperial Family according to the following order:
1. The eldest son of the Emperor.
2. The eldest son of the Emperor's eldest son.
3. Other descendants of the eldest son of the Emperor.
4. The second son of the Emperor, and his descendants.
5. Other descendants of the Emperor.
6. Brothers of the Emperor and their descendants.
7. Uncles of the Emperor and their descendants.

In case there is no member of the Imperial Family as under the numbers of the preceding paragraph, the Throne shall be passed to the member of the Imperial Family next nearest in lineage.

In the cases of the two preceding paragraphs, precedence shall be given to the senior line, and in the same degree, to the senior member.

Article 3. In case the Imperial Heir is affected with an incurable and serious disease, mentally or physically, or there is a serious hindrance, the order of succession may be changed by decision of the Imperial House Council and in accordance with the order stipulated in the preceding Article.

Article 4. Upon the demise of the Emperor the Imperial Heir shall immediately accede to the Throne.

Chapter II. The Imperial Family

Article 5. The Empress, the Grand Empress Dowager, the Empress Dowager, Shinno, the consorts of Shinno, Naishinno, O, the consorts of O, and Jo-o shall be the members of the Imperial Family.

Article 6. The legitimate children of an Emperor, and the legitimate grand children of an Emperor in the legitimate male line shall be Shinno in the case of a male, and Naishinno in the case of a female. The legitimate descendants of an Emperor in the third and later generations in the legitimate male line shall be O in the case of a male and Jo-o in the case of a female.

Article 7. In case an O succeeds to the Throne, his brothers and sisters who are O and Jo-o shall specially become Shinno and Naishinno.

Article 8. The son of the Emperor who is the Imperial Heir is called "Kotaishi" and in case there is no Kotaishi, the grandson of the Emperor, who is the Imperial Heir, is called "Kotaison."

Article 9. The Emperor and the members of the Imperial Family may not adopt children.

Article 10. The institution of Empress, and the marriage of any male member of the Imperial Family shall be passed by the Imperial House Council.

Article 11. A Naishinno, O, or Jo-o, of 15 years of age or more, shall leave the status of the Imperial Family member according to her or his own desire and by decision of the Imperial House Council.

Beside the case as mentioned in the preceding paragraph, a Shinno (excepting the Kotaishi and the Kotaison), Naishinno, O, or Jo-o, shall, in case of special and unavoidable circumstances, leave the status of the Imperial Family member by decision of the Imperial House Council.

Article 12. In case a female of the Imperial Family marries a person other than the Emperor or the members of the Imperial Family, she shall lose the status of the Imperial Family member.

Article 13. The consorts of a Shinno or O who leaves the status of the Imperial Family member, and his direct descendants and their consorts, excepting those females who are married to other members of the Imperial Family and their direct descendants, shall lose simultaneously the status of the Imperial Family member. However, as regards his direct descendants and their consorts, it may be so decided by the Imperial House Council that they do not lose the status of the Imperial Family member.

Article 14. A female, not of the Imperial Family, who is married to a Shinno or O, may, upon the loss of her husband, leave the status of the Imperial Family member according to her own desire.

When a female mentioned in the preceding paragraph has lost her husband, she shall, in case of special and unavoidable circumstances beside the case as under the same paragraph, leave the status of the Imperial Family member by decision of the Imperial House Council.

In case a female mentioned in the first paragraph is divorced, she shall lose the status of the Imperial Family.

The provisions of the first paragraph and the preceding paragraph shall apply to the females married to other members of the Imperial Family mentioned in the preceding Article.

Article 15. Any person outside the Imperial Family and his or her descendants shall not become a member thereof except in the cases where a female becomes Empress or marries a member of the Imperial Family.

Chapter III Regency

Article 16 In case the Emperor has not come of age, a Regency shall be established

[illegible]

House Council

Article 17 The Regency shall be assumed by a member of the Imperial Family of age according to the following order

1 The Kotaishi, or Kotaison
2 A Shinno and an O
3 The Empress
4 The Empress Dowager
5 The Grand Empress Dowager
6 A Naishinno and a Jo-o

In the case of No 2 in the preceding paragraph the order of succession to the Throne shall apply, and in the case of No 6 in the same paragraph, the order of succession to the Throne shall apply mutatis mutandis

Article 18 In case the Regent, or a person falling in the order of assumption of Regency, is affected with a serious disease, mentally or physically, or there is a serious hindrance, the Imperial House Council may decide to change the Regent or the order of assumption of Regency, according to the order stipulated in the preceding Article

Article 19 When, because of minority of the person falling in the order of assumption of Regency or because of the obstacles mentioned in the preceding paragraph, another member of the Imperial Family has become Regent, he shall not yield his post of Regent to the said member of the Imperial Family who has the precedence on the ground of his attainment to majority or the removal of those obstacles, except in the case such person happens to be the Kotaishi or Kotaison

Article 20 In case the obstacles mentioned in Article 16, paragraph 2 have been removed, the Regency shall be abolished by decision of the Imperial House Council

Article 21 The Regent, while in office, shall not be subject to legal action However, the right to take that action is not impaired hereby

Chapter IV Majority, Honorific Titles, Ceremony of Accession, Imperial Funeral, Record of Imperial Lineage, and Imperial Mausoleums

Article 22 The majority age for the Emperor, the Kotaishi and the Kotaison shall be eighteen

Article 23 The honorific title for the Emperor, the Empress, the Grand Empress Dowager and the Empress Dowager shall be Heika

The honorific title for the members of the Imperial Family other than those mentioned in the preceding paragraph shall be Denka

Article 24 When the Throne is succeeded to, the Ceremony of Accession shall be held

Article 25 When the Emperor dies, the Rites of Imperial Funeral shall be held

Article 26 The matters relating to the family status of the Emperor and the members of the Imperial Family

[illegible]

the Imperial Family shall be called Bo , the matters relating to Ryo and Bo shall be entered respectively in the Ryo Register and the Bo Register

Chapter V The Imperial House Council

Article 28 The Imperial House Council shall be composed of ten members

These members shall consist of two Imperial Family members, the Presidents and Vice-Presidents of the House of Representatives and of the House of Councillors, the Prime Minister, the head of the Imperial House Office, the Chief Judge and one other judge of the Supreme Court

The members of the Imperial Family and the judge other than the Chief Judge of the Supreme Court, who are to become members of the Council, shall be chosen by mutual election respectively from among the members of the Imperial Family of age and from among the judges other than the Chief Judge of the Supreme Court

Article 29 The member of the Imperial House Council, who is the Prime Minister, shall preside over its meeting

Article 30 There shall be appointed ten reserve members in the Imperial House Council

As regards the reserve members for the Imperial Family members and the judge of the Supreme Court in the Council, the provision of Article 28, paragraph 3, shall apply mutatis mutandis The reserve members for the Presidents and Vice-Presidents of the House of Representatives and of the House of Councillors in the Council shall be selected by mutual election from among the members of the House of Representatives and of the House of Councillors

The numbers of the reserve members mentioned in the two preceding paragraphs shall be the same as the numbers of the members in the Council, and the order of assuming their functions shall be determined at the time of the mutual election

The reserve member for the Prime Minister in the Council shall be the Minister of State who has been designated as the one to perform temporarily the functions of Prime Minister under the provisions of the Cabinet Law.

The reserve member for the head of the Imperial House Office in the Council shall be designated by the Prime Minister from among the officials of the Imperial House Office.

In case there is a hindrance with regard to a member of the Council, or he is missing, the reserve member for him shall perform his functions.

Article 31. As regards the President, the Vice-President and members of the House of Representatives mentioned in Article 28 and the preceding paragraph, they shall be, in case the House has been dissolved and pending the selection of the successors, those persons who were respectively the President, the Vice-President and members of the House at the time of its dissolution.

Article 32. Term of office for the members of the Council, who are members of the Imperial Family and a judge other than the Chief Judge of the Supreme Court and their reserve members shall be four years.

Article 33. The Imperial House Council shall be convened by the President of the Council.

The Imperial House Council must be convoked, if demanded by four members or more, in the cases as under Article 3, Article 16, paragraph 2, Article 18 and Article 20.

Article 34. The Imperial House Council, unless attended by six members or more, may not open deliberations and make decisions.

Article 35. The deliberations of the Imperial House Council, shall be decided by a majority vote of two thirds or more of the members present, in the cases of Article 3, Article 16, paragraph 2, Article 18 and Article 20; and by a majority vote in all other cases.

In case of a tie in the case of the latter clause of the preceding paragraph, the President shall make the decision.

Article 36. A member may not participate in the deliberation of any matter in which he has a special interest.

Article 37. The Imperial House Council shall exercise only those powers which are provided for by this and other laws.

Supplementary Provisions:

The present law shall come into force as from the day of the enforcement of the Constitution of Japan.

The present members of the Imperial Family shall be considered as the members of the Imperial Family under this law; and with regard to the application of the provisions of Article 6, they shall be considered the legitimate offspring in the legitimate male line.

The present Ryo and Bo shall be considered as the Ryo and Bo as under Article 27.

IMPERIAL HOUSE ECONOMY LAW

(Law No. 4, January 16, 1947)

Article 1. State property which is assigned, or which has been determined to be assigned, to the official use of the Imperial House (called the Imperial House Use Property hereafter) shall be treated as government use property under the State Property Law, and matter pertaining to it will be handled by the Imperial House Office.

In case an item of state property is assigned, or is to be determined to be assigned to the official use of the Imperial House Economy Council So shall it be also in case the use of any Imperial House Use Property is discontinued or altered

The Imperial House Use Property shall not be property intended for revenue

The Imperial House Economy Council shall make the necessary survey concerning the Imperial House Use Property at an interval of not more than five years and make a report to the Cabinet

When the report of the preceding paragraph has been made, the Cabinet shall report to the Diet the content thereof

Article 2 In the cases of sale or purchase for reasonable price and of other ordinary private economic transactions, and in any of the cases specified below, a property may be alienated to, or received by, the Imperial House, or a gift can be made therefrom without authorization by the Diet each time

1 Giving or receiving of properties not exceeding a certain amount in value as fixed by law separately

2 Giving or receiving of properties exceeding the amount of the preceding subparagraph, but not exceeding a certain amount in value as fixed by law separately, which has been passed by the Imperial House Economy Council

When the giving and receiving of property takes place more than once during one year between the same parties, the provisions of the subparagraphs of the preceding paragraph shall apply to the aggregate amount of such transactions

In case the amount in value of the properties given by or to a member belonging to the Imperial House under the provisions of 1 or 2 or paragraph 1 in a period less than one year has reached the amount as fixed separately by law, the above provisions do not apply to the giving or receiving of property by such member during the remainder of the year

Article 3 The appropriation for the expenditures of the Imperial House to be made in the budget shall be divided into the Inner Court Appropriation, the Imperial Court Appropriation and the Imperial Family Appropriations

Article 4 The Inner Court Appropriation shall apply to the daily expenditures of the Emperor and Empress, the Grand Empress Dowager, the Empress Dowager, the Kotaishi and his consort, the Kotaison and his consort, and other Imperial Family members belonging to the Inner Court, and to other miscellaneous expenditures of the Inner Court, a fixed sum shall be appropriated annually as is determined by law separately

The sums provided as the Inner Court Appropriation shall constitute the Privy Purse and shall not be treated as public money to be administered by the Imperial House Office

In case the Imperial House Economy Council deems it necessary to change the fixed sum of paragraph 1, it must submit to the Cabinet its opinion thereon

When the opinion of the Council has been submitted, as under the preceding paragraph, the Cabinet shall report to the Diet the content thereof at the earliest opportunity.

Article 5 The Imperial Court Appropriation shall apply to all the expenditures of the Imperial Court other than those of the inner court and shall be administered by the Imperial House Office

Article 6 The Imperial Family Appropriations shall apply to the sums which are provided as annuities for the maintenance of the dignity of the members of the Imperial Family and those which are provided to the persons who leave the status of the Imperial Family member for the maintenance of dignity as persons who have been members of the Imperial Family, in one time payment to be made at the time when they leave their status The sums of such annuities or one time payments shall be calculated on the basis of a fixed sum as will be determined by law separately

The annuities shall be calculated according to the stipulations set forth under the following numbers and in paragraphs 3 to 5, and they shall be paid annually to the members of the Imperial Family other than those specified in Article 4

1 Shinno shall receive

Married The whole of the fixed sum

Of age and unmarried One half of the fixed sum

Under age and unmarried One quarter of the fixed sum

2 The consort of a Shinno shall receive one-half of the fixed sum

3 Naishinno shall receive

Of age One half of the fixed sum

Under age One quarter of the fixed sum

4 O, the consort of an O, and Jo-o shall receive sums corresponding to 70 per cent of the amount of the annuities calculated respectively on the basis of Shinno, the consort of a Shinno and Naishinno

A married Shinno or O, even after the cessation of marital relationship, shall receive the same amount as before

A member of the Imperial Family who is the Regent,

shall receive 5 times the fixed sum during the term of his office.

A person, possessing more than one status, shall be paid according to the status commanding the highest annuity.

A person who leaves the status of the member of the Imperial Family according to the provisions of the Imperial House Law shall receive a sum in one time payment, as determined by the Imperial House Economy Council, and within the limit of not exceeding the amount of the annuity due to the said person to be calculated according to the provisions of paragraphs 2 and 3 and the preceding paragraph.

In calculating the sum for one time payment as under the preceding paragraph, an unmarried or under-age Shinno or O shall be considered as a married Shinno or O; and Naishinno or Jo-o under age as a Naishinno, or Jo-o, of age.

The provision of Article 4, paragraph 2 shall apply to the fixed sum of paragraph 1.

Article 7. The Imperial Heir upon his accession to the Throne shall receive such traditional properties as are to be handed down with the Throne.

Article 8. The Imperial House Economy Council shall be composed of eight members.

The members shall be the Presidents and Vice-Presidents of the House of Representatives and of the House of Councillors, the Prime Minister, the Minister of Finance, the head of the Imperial House Office and the head of the Board of Audit.

Article 9. There shall be appointed eight reserve members in the Imperial House Economy Council.

Article 10. The Imperial House Economy Council, unless there are present five members or more, may not open deliberations and make decisions.

The deliberations shall be decided by a majority vote. In case of a tie, the chairman shall make the decision.

Article 11. The provisions of Article 29; Article 30, paragraphs 3–7; Article 31; Article 33, paragraph 1; Article 36 and Article 37 of the Imperial House Law shall apply to the Imperial House Economy Council mutatis mutandis.

The post of the reserve member for the Minister of Finance in the Council shall be filled by the Vice Minister of Finance; and that of the reserve member for the head of the Board of Audit by an official of the Board of Audit, who shall be designated by the Prime Minister.

Supplementary Provisions:

The present Law shall come into force as from the day of the enforcement of the Constitution of Japan.

Those items of the former Imperial Household Property which are in the use of the Imperial House at the time of the enforcement of the present Law and which have become state property under the State Property Law shall be considered, without a decision of the Imperial House Economy Council, as the Imperial House Use Property, regardless of the provision of Article 1, paragraph 2.

The necessary matters relating to the transitional disposition of the rights and obligations which belong to the former Imperial House Account at the time of the enforcement of the present law, and which are to be carried over by the State, shall be provided for by cabinet order.

The Inner Court Appropriation and the sum of annuities under the Imperial Family Appropriations for the fiscal year in which the present Law takes effect shall be provided for on the basis of monthly quotas.

CABINET LAW

(Law No 5, January 16, 1947)

Article 1 The Cabinet shall perform functions provided for in Article 73 and other Articles of the Constitution of Japan

Article 2 The Cabinet shall be composed of the Prime Minister, who shall be its head, and Ministers of State whose number shall not be more than the present fixed number of the Ministers of the various Ministries and the Ministers of State

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet

Article 3 The Ministers shall divide among themselves administrative affairs and be in charge of their respective shares thereof each as a competent Minister, as provided for by law separately

The provision of the preceding paragraph does not, however, preclude the existence of Ministers who have no specific share of administrative affairs to manage

Article 4 The Cabinet shall perform its functions through Cabinet meetings

The Prime Minister shall preside over Cabinet meetings

Each Minister may submit to the Prime Minister any [illegible]

and supervision over various administrative branches in accordance with the policies to be decided upon after consultation at Cabinet meetings

Article 7 The Prime Minister shall, following consultation at Cabinet meetings, decide on any point of doubt relating to jurisdiction as between the competent Ministers

Article 8 The Prime Minister may suspend the official act or order of any administration office, pending action by the Cabinet

Article 9 In case the Prime Minister is prevented from discharging his functions or the post of Prime Minister is vacant, the Minister of State designated by him in advance shall perform temporarily the functions of Prime Minister

Article 10 In case a competent Minister is prevented from discharging his functions or the post of such Minister is vacant, the Prime Minister, or a Minister of State designated by him, shall perform temporarily the functions of the said competent Minister of State

Article 11 No provision imposing obligations or restricting rights can be made in Cabinet orders unless authorized by law

Article 12 There shall be set up under the Cabinet a Secretariat

The Cabinet Secretariat shall be in charge of preparing the agenda of Cabinet meetings and other miscellaneous affairs of the Cabinet

Beside the matters mentioned in the preceding paragraphs, the Cabinet Secretariat and the Legislative Bureau shall assist the work of the Cabinet as provided by for Cabinet order

The organization of the Cabinet Secretariat and the Legislative Bureau shall be fixed by law separately

Beside the Secretariat and the Legislative Bureau there shall be set up in the Cabinet necessary offices which shall assist the work of the Cabinet, as provided for by law

Supplementary Provision

The present Law shall come into force from the day of the enforcement of the Constitution of Japan

THE LAW FOR THE ELECTION OF MEMBERS OF THE HOUSE OF COUNCILLORS

(In force as of August 19, 1948)

CONTENTS

Chapter I. General Provisions

Article 1. The number of the members of the House of Councillors shall be two hundred and fifty (250), to be divided into 150 members from the prefectural constituency and 100 members from the national constituency.

Members from the prefectural constituency shall be elected in each of the election districts. The election districts and the number of members to be returned for each of such districts shall be stipulated in the annex.

Members from the national constituency shall be elected in a single constituency comprising the Metropolis, the District (Do) and all the Prefectures.

Article 2. The voting districts and the ballot-counting districts shall conform respectively to those districts for the election of members of the House of Representatives.

Chapter II. Voting Right and Eligibility

Article 3. Any person who has the right to vote in the election of members of the House of Representatives shall have the same right in the election of members of the House of Councillors.

Article 4. Any Japanese national who is over thirty (30) years of age shall be eligible for election of the members of the House of Councillors.

Article 5. Any person who has been declared incompetent or quasi-incompetent, or who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or yet to be executed shall not be eligible for election.

Article 6. Commissioners for Overseeing the Election of members from the national constituency, Commissioners for Overseeing the Election of members of the Metropolitan Assembly, Commissioners for Overseeing the Election of members of the District and Prefectural Assemblies, Commissioners for Overseeing the Election of members of the Municipal, Town and Village Assemblies, secretaries of the Commission for Overseeing the Election of Members from the national constituency, Commission for Overseeing the Election of Members of the Metropolitan Assembly, Commissions for Overseeing the Election of members of the District and Prefectural Assemblies, Commissions for Overseeing the Election of members of the Municipal, Town and Village Assemblies, Voting Overseers, Ballot-Counting Overseers, chairman of the Election Sub-meeting, Chairmen of Election and Government and public officials who are connected with affairs pertaining to election shall not be eligible for election within the respective districts with which they are concerned in such capacities.

Article 7. Judges, Public Procurators, Government Auditors, revenue officials, members of national police force, members of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village and members of municipal police force shall not be eligible for election.

Article 8. Any person who holds a post which shall not be held concurrently with membership in the House of Representatives shall not become concurrently a member of the House of Councillors.

Chapter III. Election

Article 9. A regular election shall take place within thirty (30) days before the date of expiration of the term of office for the members.

When the period for a regular election to be held

thirty-five (35) days after its close

The date of a regular election shall be proclaimed not less than thirty (30) days in advance

Article 10 Election shall be conducted by ballot

Article 11 The electoral lists for the election of members of the House of Representatives shall be used for the election of members of the House of Councillors

Article 12 Affairs pertaining to the election of members from the prefectural constituency shall be taken charge of by the Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies The Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies shall direct and supervise the Commission for Overseeing the Election of Members of the Municipal, Town and Village Assemblies, with regard to affairs pertaining to the election of Members from the prefectural constituency

Article 13 There shall be instituted a Commission for Overseeing the Election of Members from the national constituency to oversee affairs pertaining to the election of Members from the national constituency

The Commission for Overseeing the Election of Members from the national constituency shall be composed of ten (10) Commissioners for Overseeing the Election of members from the national constituency

Article 14 The Commissioners for Overseeing the Election of Members from the national constituency shall be elected in the House of Councillors from among persons other than Members of the Diet, who have the eligibility for a member of the House of Councillors

The term of office of the Commissioners for Overseeing the Election of Members from the national constituency shall be three (3) years However, the term of office of Commissioners who have replaced other Commissioners shall be the remaining period of the term of office of their predecessors

Article 15 The Commission for Overseeing the Election of Members from the national constituency shall direct and supervise the Commission for the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies, with regard to affairs pertaining to the election of Members from the national constituency

The Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies shall direct and supervise the Commissions for Overseeing the Election of Members of the Municipal, Town, and Village Assemblies, with regard to affairs pertaining to the election of Members from the national constituency

Article 16 The Commission for Overseeing the Election of Members from the national constituency shall elect one Chairman from among the Commissioners

The Chairman shall superintend affairs pertaining to the Commission and represent it

Article 17 The Commission for Overseeing the Election of Members from the national constituency shall not open its meeting without the attendance of not less than half of the Commissioners

All matters at the meeting of the Commission shall be decided by a majority of those Commissioners who are present, and in case of a tie, the Chairman shall decide the issue

Article 18 There shall be instituted secretaries in the Commission for Overseeing the Election of Members from the national constituency, whom the Chairman *superintends and who shall be engaged in the business* pertaining to the Commission

The secretaries shall be appointed and dismissed by the Chairman

Article 19 In addition to the provisions of this law and of ordinances to be issued in accordance therewith, necessary matters pertaining to the Commission for Overseeing the Election of Members from the national constituency shall be decided by the Commission

Chapter IV Voting

Article 20 Each elector shall cast only one ballot in the election of Members from the prefectural constituency and in that of members from the national constituency respectively

Article 21 Voting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies, from among those who have the right to vote in the election of members of the House of Councillors

When the election of Members from the prefectural constituency and that of Members from the national constituency take place at the same time the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies may appoint the Voting Overseers for the election of Members from the prefectural constituency concurrently to the Voting Overseers for the election of Members from the national constituency

Voting Overseers shall take charge of affairs pertaining

to election.

Article 22. Candidates for membership may each choose one (1) person, who will be a Voting Witness, from among those registered in the electoral list of each voting district, with his consent, and report the choice to the Voting Overseer not later than two days before the date of the election.

In case those reported as provided for in the preceding paragraph (excluding those reported by candidates for membership who have died or withdrawn their candidacy, the same applies hereinafter) do not exceed ten (10) in number, they shall at once be voting witnesses, and in case they are more than ten (10), ten (10) Voting Witnesses shall be elected by mutual vote from among those reported.

When the number of the Voting Witnesses provided for in the preceding paragraph does not reach three (3) or has decreased to less than three (3), or when the number of the Voting Witnesses who have attended at the polling-place has not reached three (3) by the time to open it or has decreased to less than three (3) after it has been opened, Voting Overseers shall select and appoint such number of Voting Witnesses as makes their total number three (3), from among those registered in the electoral list of the electoral district concerned and appointed, to witness voting.

Voting Witnesses shall not resign their offices without proper reason.

Article 23. Every elector shall enter by himself the full name of one candidate in a ballot at a polling-place in the election of Members from the prefectural constituency or in the election of Members from the national constituency respectively and cast it in a ballot-box.

The name of an elector shall not be entered in a ballot.

Article 24. Denial of voting shall be decided by the Voting Overseer, after consultation with Voting Witnesses.

When an elector whose voting has been subjected to the decision provided for in the preceding paragraph is not satisfied with it, the Voting Overseer shall provisionally allow him to cast a ballot.

The ballot mentioned in the preceding paragraph shall be sealed in an envelope by the elector, who shall cast it, writing by himself his full name on the envelope.

The preceding two paragraphs shall apply to an elector whose voting has been objected to by Voting Witnesses.

Article 25. If, in the case of an island or any other place without adequate means of transportation, it is deemed impossible to send the ballot-box on the day of voting, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies may fix a convenient date for voting in the locality concerned and cause the ballot-box, minutes of the voting and the electoral list to be sent by the date for ballot count.

Article 26. When, on account of natural calamity or other unavoidable circumstances, it is impossible to carry out the voting or it is necessary to have the voting again, the Voting Overseer shall so notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies through the Chairman of Election (Chairman of the Election Sub-meeting in the case of the election of Members from the National constituency). In such a case the Commission concerned shall cause the voting to be carried out by fixing a new date, which shall be proclaimed not less than five days beforehand.

Article 27. When a regular election and the election provided for in Article 62 or Article 68 or Article 71 take place at the same time, they shall be absorbed into one election for Members from the prefectural constituency and for Members from the national constituency respectively.

Article 28. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the voting for members of the House of Councillors shall conform to the voting for members of the House of Representatives.

Chapter V. Counting of Ballots

Article 29. Ballot-Counting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies from among those who have the right to vote in the election of members of the House of Councillors.

When the election of Members from the prefectural constituency and that of Members from the national constituency take place at the same time, the Commission for Overseeing the election of Members of the Municipal, Town and Village Assemblies may appoint the Ballot-Counting Overseers for the election of Members from the prefectural constituency concurrently to the Ballot-Counting Overseers for the election of Members from the national constituency.

Ballot-Counting Overseers shall take charge of affairs pertaining to the counting of ballots.

Article 30. The provisions of Article 22 shall apply mutatis mutandis to Ballot-Counting Witnesses.

Article 31. The counting of ballots shall be effected on the day of voting or on the following day (in case there are more than one voting district within one ballot-counting district, on the day when all the ballot-boxes are received or on the following day).

Article 32. The Ballot-Counting Overseer shall, in the presence of Ballot-Counting Witnesses, open the

ballot-box and examine the votes coming under the provisions of Article 24, paragraphs 2 and 4, and after consultation with Ballot-Counting Witnesses decide whether or not these ballots are acceptable

The Ballot-Counting Overseer, together with Ballot-*Counting Witnesses, shall examine the ballots for each* city, town or village or any other district specified by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies

As soon as the examination of the ballots has been finished, the Ballot-Counting Overseer shall report the result to the Chairman of Election (Chairman of the Election Sub-Meeting in the case of the election of Members from the national constituency)

Article 33 The validity of ballots shall be decided by the Ballot-counting Overseer, after consultation with Ballot-Counting Witnesses

Article 34 Any of the following votes shall be invalid

1 A vote for which a regular ballot-paper has not been used
2 A vote on which the name of a person who is not a candidate is entered
3 A vote on which the names of two or more candidates have been entered
4 A vote on which the name of a person who is not eligible has been entered
5 *A vote on which other matters in addition to the* name of a candidate have been entered But the profession, social status, address or a title of honour of the candidate may be written thereon
6 A vote on which the name of a candidate has not been written by the voter himself
7 A vote by which it is impossible to ascertain the name of the candidate entered
8 A vote on which the name of a person who is a member of the House of Councillors has been entered

The provisions of item 8 in the preceding paragraph shall apply to the election held in accordance with the provisions of Article 62 or Article 68 or Article 71

The provisions of the item numbered 8 of paragraph 1 apply, in the case of a regular election also, to a vote on which the name of a Member of the House of Councillors who is either a Member from the prefectural constituency or a Member from the national constituency, with a longer term of office, has been entered

Article 35 The Ballot-Counting Overseer shall keep [illegible]

affix his signature thereto together with Ballot-Counting Witnesses

Article 36 Ballots shall be sorted into lots that are valid and those that are invalid and shall be preserved, together with the minutes of the voting and the minutes of the ballot-counting, by the Commissions for Overseeing the Election of the Municipal, Town and Village Assemblies during the term of office of the members elected

Article 37 The provision of the principal part of Article 26 shall apply mutatis mutandis to the counting of ballots

Article 38 In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the counting of ballots in the election of members of the House of Councillors shall conform to the counting of ballots in the election of Members of the House of Representatives

Chapter VI Election Meeting and Election Sub-Meeting

Section I Election Meeting for Members from the prefectural constituency

Article 39 The Chairman of Election shall be [illegible]

among those who have the right to vote in the election of members of the House of Councillors

The Chairman of Election shall take charge of affairs pertaining to election meeting

Article 40 The election meeting shall be held at the Metropolitan, District or Prefectural Office or a place designated by the Chairman of Election

Article 41 The provisions of Article 22 shall apply mutatis mutandis to Election Witnesses

Article 42 The Chairman of Election shall hold an election meeting on the day when the report provided for in Article 32, paragraph 3, is received from every Ballot-Counting Overseer or on the following day and shall examine such reports in the presence of Election Witnesses

In case a part of an election has become invalid and a new election has been held, the Chairman of Election shall, upon receipt of the report provided for in Article 32, paragraph 3, examine such report anew together with the report concerning the other part of the election in accordance with the provisions of the preceding paragraph

Article 43 The Chairman of Election shall make minutes of the election, in which shall be recorded all matters relating to the election meeting and affix his signature thereto together with Election Witnesses

*The minutes of the election shall be preserved, to*gether with documents relating to the report mentioned in Article 32, paragraph 3, by the Commission for Over-

seeing the Election of Members of the Metropolitan Assemblies during the term of office of the members elected.

Article 44 The provisions of the principal part of Article 26 shall apply mutatis mutandis to the election meeting.

Article 45 In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the election meeting in the election of members of the House of Councillors shall conform to the election meeting in the election of members of the House of Representatives.

Section II Election sub-Meeting and Election Meeting for Members from the national constituency

[illegible]

Article 46 The election sub-meeting shall be held at the Metropolitan District or Prefectural Office or a place designated by the Chairman of the Election Sub-Meeting.

Article 47 As soon as the examination in accordance with the provisions of Article 42, which are applied mutatis mutandis in Article 46, has been finished, the Chairman of the Election Sub-Meeting shall submit a report of the result to the Chairman of Election, together with a copy of the minutes of the election.

Article 48 In addition to the provisions of the preceding two Articles, the provisions of the preceding Section shall be applied mutatis mutandis to the election sub-meeting.

[illegible]

Article 49 The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of Members from the national constituency from among those who have the right to vote in the election of members of the House of Councillors.

The Chairman of Election shall take charge of affairs pertaining to election meeting.

Article 50 The election meeting shall be held at a place designated by the Chairman of Election.

Article 51 The Chairman of Election shall hold an election meeting on the day when the report provided for in Article 47 is received from every Chairman of the Election Sub-Meeting or on the following day and examine such reports in the presence of Election Witnesses.

In case a part of an election has become invalid and a new election has been held, the Chairman of Election shall, upon receipt of the report provided for in Article 47, examine such report anew, together with the report concerning the other part of the election in accordance with the provisions of the preceding paragraph.

Article 52 The Chairman of Election shall make minutes of the election, in which shall be recorded all matters relating to the election meeting, and affix his signature together with Election Witnesses.

The minutes of the election shall be preserved, together with documents concerning the report provided for in Article 47, by the Commission for Overseeing the Election of Members from the national constituency during the term of office of the Members elected.

Article 53 The provisions of Articles 41, 44 and 45 shall apply mutatis mutandis to the election meeting.

Chapter VII Candidates and Persons Elected

Section I Candidates for and Persons Elected as Members from the prefectural constituency

Article 54 A person who desires to become a candidate shall so notify the Chairman of Election between the day on which the date for election is proclaimed or give public notice and the twentieth (20th) day preceding the date for election.

When a person whose name is registered in the electoral list desires to name another person as a candidate, he may notify his recommendation with the consent of the person recommended during the period, stipulated in the preceding paragraph.

In case the number of candidates notified during the period stipulated in the preceding two paragraphs exceeds the number of members to be elected, and any of the candidates dies or withdraws his candidacy after the period has expired, notification of candidacy or recommendation of a candidate may be made in conformity with the preceding two paragraphs, up to the tenth (10th) day preceding the date for election.

A person who has become a candidate in one electoral district shall not notify his candidacy or approve the notification recommending him as a candidate in another electoral district.

A person who has become a candidate for a Member from the national constituency shall not notify his candidacy, or approve the notification recommending him as a candidate, for a Member from the prefectural constituency.

A candidate shall not withdraw his candidacy without having notified the Chairman of Election.

Upon receipt of the notification provided for in paragraphs 1 to 3 and the preceding paragraph or information of the death of a candidate, the Chairman of Election shall immediately give public notice of the fact.

Article 55 A person who desires to notify his candidacy or who desires to notify recommendation of a candidate shall deposit five thousand (5,000) yen in cash or national loan bonds of the same face value for each candidate.

The deposit provided for in the preceding paragraph shall belong to the national treasury in case the total number of votes for a candidate for whom the deposit has been made does not reach one-tenth of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election

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Article 56 The candidate who has obtained the greatest number of valid votes shall be declared elected, provided, however, that the number of votes obtained shall be one-fourth or more of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election

In case the elections for the Members of the different terms of office are combined, the candidates who obtained the necessary votes under the proviso of the preceding paragraph shall be determined in the order of the number of their respective votes as the elected, starting from the members with a longer term of office

If there are persons who have obtained the same number of votes, the Chairman of Election shall determine the person elected by drawing lots at an election meeting

In cases where the person elected can be determined without holding a new election in consequence of the litigation provided for in Article 73, such a person shall be determined at an election meeting

When a person elected has declined election or has been dead, or when his election has become invalid in accordance with the provisions of Article 57, an election meeting shall be held immediately to determine the person elected from among those who have obtained such number of votes as mentioned in the proviso of paragraph 1 but have not been elected

When any of the causes mentioned in Article 62, paragraph 1, items 5 and 6, has occurred during the period stipulated in Article 61 and there are persons who have obtained such number of votes as mentioned in the proviso of paragraph 1, or when such a cause has occurred after the expiration of that period and there are persons who have obtained votes and to whom the provisions of paragraph 3 are applicable, an election meeting shall be held to determine the person elected from among the above mentioned persons

The provisions of paragraph 2 shall apply mutatis mutandis in cases where the causes mentioned in the preceding three paragraphs have occurred simultaneously or consecutively with regard to the persons elected in the combined election of members with different terms of office

In any of the cases mentioned in paragraphs 4 to 6, when a person who has obtained such number of votes as mentioned in the proviso of paragraph 1 but has not been elected, become ineligible for election after the date of the election, he shall not be determined as the person elected

Article 57 When the person elected becomes ineligible for election after the date of the election, he shall forfeit election

Article 58 In case the number of candidates notified in accordance with the provisions of Article 54, paragraphs 1 to 3, does not exceed the number of members to be returned in the election, there shall be no election in the electoral district concerned

When there is no voting in accordance with the provisions of the preceding paragraph, the Chairman of Election shall so notify the Voting Overseer immediately and at the same time give public notice of the fact and also report it to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned

Upon receipt of the report mentioned in the preceding paragraph, the Voting Overseer shall immediately give public notice thereof

In the case mentioned in paragraph 1, the Chairman of Election shall hold an election meeting within five (5) days from the date of the election and determine the candidates as elected

In case there is a combined election for the Members with the different terms of office and the provision of paragraph 1 is applicable, the candidates shall be determined by lot as the elected for the members with a longer term of office

In the cases mentioned in the preceding two paragraphs, it shall be decided by the Chairman of Election, after consultation with Election Witnesses, whether or not the candidates are eligible for election

Article 59 When the person elected has been determined, the Chairman of Election shall immediately notify him of his election and at the same time give public notice of his name and also report his name, the number of votes he has obtained, the total number of valid votes in the election and other minutes of the election to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned.

When there is no person elected or the number of the persons elected does not reach the number of members to be returned in the election, the Chairman of Election shall immediately give public notice of the fact and also report it to the Commission of Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned.

Article 60 Upon receipt of notification of election,

the person elected shall notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned whether or not he accepts election.

Article 61. When a person elected has failed to notify his acceptance of election within ten (10) days from the day he received notification of election, he shall be considered to have declined election.

Article 62. When, in an election of members with the same term of office, any of the cases mentioned in the following numbered items has occurred, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall cause a new election to be held by fixing its date and giving public notice thereof at least not later than thirty (30) days preceding it, unless the person elected can be determined without holding a new election; provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the following or in accordance with the provisions of Article 71;

1. When there is no person elected or the number of persons elected does not reach the number of members to be returned in the election.

2. When the person elected has declined election or has been dead.

3. When the person elected has forfeited election in accordance with provisions of Article 57.

4. When, in consequence of the litigation provided for in Article 73, there has ceased to exist a person elected or the number of persons elected has ceased to reach the number of members to be returned in the election.

5. When the election of a person has become invalid because of the fact that a person who has superintended the election campaign of the person elected has been sentenced to a punishment on account of a crime related to election.

6. When the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election.

The election provided for in the preceding paragraph shall not be held during the period allowed for filing the litigation provided for in Article 73. The same shall apply in cases where such a litigation has been filed and is still pending.

The date of election mentioned in paragraph 1 shall be not later than thirty-five (35) days after the date of expiration of the period allowed for filing the litigation provided for in Article 73, or the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned has received the notification provided for in Article 75, when the litigation provided for in Article 73 is filed.

When any of the cases mentioned in all items of paragraph 1 has occurred within six (6) months preceding the end of the term of office of members, the election provided for in paragraph 1 shall not be held.

Article 63. When the person elected has accepted election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately furnish him with a certificate of election and give public notice of his name and report it to the National Election Management Commission through the Chief Official of the Metropolis, District or Prefecture concerned.

Article 64. When the election in an electoral district or the election of a person has become invalid in consequence of the litigation provided for in Chapter IX or when the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately give public notice thereof.

Section II. Candidates for and Persons Elected as Members from the national constituency

Article 65. A person who has become a candidate for a Member from the prefectural constituency shall not notify his candidacy, or approve the notification recommending him as a candidate, for a Member from the national constituency.

Article 66. When the number of votes for a candidate does not reach one-tenth of the total number of valid votes divided by the number of the members to be returned in a regular election, the deposit made for him in accordance with the provisions of Article 55, which are applied mutatis mutandis by Article 69, shall belong to the National Treasury.

Article 67. A person who has obtained the greatest number of valid votes shall be declared elected; provided, however, that the number of votes obtained shall be one-eighth or more of the total number of valid votes divided by the number of members to be returned in a regular election.

Article 68. When, in an election of members with the same terms of Article 62, paragraph 4, has occurred, and if the person elected cannot be determined without holding a new election, or if, with the person elected having been determined without holding a new election, there still remain a number of vacancies of persons elected

which, added by the number of the vacancies mentioned in Article 71, paragraph 1, exceeds one-fourth of the number of members to be returned in a regular election, the Commission for Overseeing the Election of Members from the national constituency shall cause a new election to be held by fixing its date and giving public notice thereof not later than thirty (30) days preceding it, provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the above mentioned

When the number of vacancies of persons elected in an election of members with the same term of office, added by the number of the vacancies of members mentioned in Article 71, paragraph 1, does not exceed one-fourth of the number of members to be returned in a regular election but an election of members with different terms of office has to be held, such election and a new election shall be held simultaneously, regardless of the provisions of paragraph 1, provided, however, that this does not apply in cases where the case mentioned in the preceding paragraph has occurred after public notice of the date for the election of members with different terms of office was given

The date for election mentioned in the preceding paragraph shall be the date for the election of members with different terms of office

The provisions of Article 62, paragraph 2 to 4, shall apply mutatis mutandis in the cases mentioned in paragraphs 1 and 2

Article 69 The provisions of Article 54, paragraph 1 to 3 and paragraphs 6 and 7, Article 55, paragraphs 1 and 3, Article 56, paragraphs 2 to 8, Article 57 to 61, Articles 63 and 64 shall apply mutatis mutandis to candidates for and persons elected as Members from the national constituency, provided, however, that preceding paragraph" in Article 55, paragraph 3, shall read 'Article 66," the proviso of paragraph 1 in Article 56, paragraphs 5, 6 and 8, shall read proviso of Article 67," "Article 62, paragraph 1, items numbered 5 and 6 in the same Article, paragraph 6, shall read Article 68, and Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned" in Article 58, paragraph 2, Articles 59, 60, 63 and 64 shall read Commission for Overseeing the Election of Members from the national constituency "

Chapter VIII Term of Office for Members and Filling Vacancies

Article 70 The term of office for the members shall be counted as from the date following the date of expiration of the term of office for the members elected in the previous regular election However, it shall be counted as from the date of a regular election in case the regular election is held after the date following the date of expiration of the term of office for the members elected in the previous regular election

Article 71 In case vacancies of members with the same term of office have occurred, no by-election shall be held until the number of such vacancies (to be added by the number of the vacancies of persons elected mentioned in Article 68, paragraph 1, in the case of Members from the national constituency) exceeds one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency)

When a vacancy of membership has occurred, the National Election Management Commission shall, within five days after receipt for a communication to that effect from the President of the House of Councillors, so notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) through the Chief Official of the Metropolis, District or Prefecture concerned

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of a Member from the national constituency) shall, upon receipt of the notification provided for in the preceding paragraph, immediately notify the Chairman of Election that a vacancy has occurred, if the member, whose office has become vacant, vacated his office during the period mentioned in Article 61 and there is a candidate who has obtained such number of votes as provided for in the proviso of Article 56, paragraph 1 (the proviso of Article 67 in the case of a Member from the national constituency) but has not been elected, or if such a member vacated his office after the expiration of such period and there is a candidate to whom the provisions of Article 56, paragraph 3, have been applied but who has not been elected

The Chairman of Election shall, within twenty (20) days after receipt of the notification provided for in the preceding paragraph, determine a person elected by applying mutatis mutandis the provisions of Article 56, paragraphs 3 and 5 to 8

Upon receipt of the notification provided for in paragraph 2, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commis-

sion for Overseeing the Election of Members of the District or Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) shall, unless the provisions of paragraph 3 are applicable or public notice of the date for a new election has been given with regard to the same person in accordance with the provisions of Article 62 (Article 68 in the case of a Member from the national constituency), wait until the number of vacancies of members with the same term of office (to be added by the number of the vacancies of persons elected mentioned in Article 68, paragraph 1, in the case of Members from the national constituency) exceeds one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) and then cause a by-election to be held within thirty-five (35) days from the day the notification provided for in paragraph 2 is last received.

When the number of vacancies of members with the same term of office (to be added by the number of the vacancies of persons elected mentioned in Article 68, paragraph 1, in the case of Members from the national constituency) does not exceed one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) but an election of members with different terms of office (including here and hereinafter the election mentioned in Article 62 in the case of Members from the prefectural constituency) has to be held, such an election and a by-election shall be held simultaneously, regardless of the provisions of paragraph 1 and the preceding paragraph, provided, however, that this shall not apply in cases where the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) shall have received the notification provided for in paragraph 2 after public notice of the date for the election of members with different terms of office has been given.

The date of a by-election mentioned in the preceding paragraph shall be that of an election of members with different terms of office.

The date of a by-election shall be proclaimed not later than thirty days preceding it by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency).

The provision of Article 62, paragraph 2 to 4 (Article 68, paragraph 4, in the case of Members from the national constituency) shall apply mutatis mutandis to a by-election.

Article 72. A member filling a vacancy shall remain in office during the remaining period of the term of office of his predecessor.

Chapter IX. Litigation

Article 73. A litigation may be filed on the validity of the election in an electoral district or the election of a person, in the same way as the litigation on such validity in the election of members of the House of Representatives; provided, however, that with regards to an election for the Members from the national constituency, a person who files a litigation on the validity of an election or on the validity of the elected, on the ground that he obtained the necessary votes, according to the proviso, Article 67, or that the provisions of Article 56, paragraph 8, or Article 57 which are applied mutatis mutandis by Article 69 are not applicable to him, or that the decision in Article 58, paragraph 6 which is applied mutatis mutandis by Article 69, is illegal, shall have the Chairman of the Commission for Overseeing the Election of Members from the national constituency the accused.

Article 74. An elector or a candidate for membership who considers the election of a person to be invalid according to the provision of Article 79, Par. 3, may file a litigation at the Tokyo High Court with the elected as the accused, within thirty (30) days from the date of the notification under Article 59, Par. 1 or Article 69 which is the mutatis mutandis application of Article 59, Par. 1.

When a person who has superintended the election campaign of a candidate has been sentenced to a punishment, in accordance with the penal provisions concerning the election of members of the House of Representatives to be applied mutatis mutandis and the election of the candidate concerned is considered to have become invalid, the Public Procurator shall institute incidentally to the public action a litigation against the candidate elected.

Article 75. The litigations provided for in the preceding two Articles shall be conducted in the same way as the corresponding litigations concerning the election of members of the House of Representatives; provided, however, that notification concerning these litigations shall be given to the National Election Management Commission as well as the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the National Constituency.

Chapter X Election Campaign

Article 76. The persons who are listed in Article 6 shall not be engaged in the election campaign within the district with which they are concerned

The election campaign of a candidate shall not be started until his candidacy is filed according to Article 54, paragraphs 1 to 3 or Article 69 in which the provisions of the above-mentioned paragraphs are applied mutatis mutandis

No person shall make a visit to a house with the purpose of obtaining a vote for himself or others, or of pre- [illegible] and students of schools who are under the age of twenty (20)

Article 77 Election campaign expenses in this Chapter shall mean such election campaign expenses in connection with the election of members of the House of Councillors as correspond to the election campaign expenses provided for in the Law for the Election of members of the House of Representatives

Article 78 (Deleted)

Article 79 Election campaign expenses shall not exceed the amount mentioned in the following items per candidate

1 The sum which equals the multiplication of the amount of money fixed by an Ordinance, by the total number of the electors registered in the electoral list at the date of decision of the list, whose total number is divided by the fixed number of the members to be returned from the election district concerned in the ordinary election (in case of the members from the national constituency, by the fixed number of the members in ordinary election)

2 In case a re-election is held owing to the invalidity of part of an election, the sum which equals the multiplication of the amount of money fixed by an Ordinance, by the total number of the electors registered in the electoral list, whose total number is divided by the fixed number of members to be returned from the election district concerned in the ordinary election (in case of the members from the national constituency, by the fixed number of the members in the ordinary election)

3. In case the voting is carried out in accordance with the provision of Article 26, the sum which equals the amount of money calculated according to the provision of the preceding item However, the Electoral Administration Committee for the Election of Members of the Metropolitan Assembly or the Electoral Administration Committee for the Election of Members of the District or Prefectural Assemblies may reduce the amount when they deem it necessary

The Electoral Adminstration Committee for the Election of Members of the Metropolitan Assembly or the Electoral Administration Committee for the Election of Members of the District or Prefectural Assemblies (the Electoral Administration Committee for the Election of Members from the National Constituency as far as the amounts mentioned in Items 1 and 2 of the preceding paragraph relating to the members from the national constituency are concerned) shall give public notice of the amount fixed by the preceding paragraph immediately after the date of the election has been proclaimed or given public notice

In case the election campaign expenses disbursed for a candidate for membership exceed the amount given public notice according to the provision of the preceding paragraph, the election of the candidate shall be invalid However, this provision does not apply in the case where any candidate or person who has notified his recommendation of a candiate has paid the attention to the appointment and supervision of the responsible disburser or the person who performs the functions of the disburser in his place and where the responsible disburser or the person who performs the functions of the disburser in his place has not committed a fault in the disbursing business of the election campaign

Article 80 (Deleted)

Article 81 (Deleted)

Article 82 (Deleted)

Article 83 The Prime Minister may restrict by ordinance literatures and pictures, to be posted or distributed for election campaigns, in the way of their form, number and the place where they are posted

Chapter XI Penal Provisions

Article 84 Any person who has violated the provisions of Article 76, paragraph 1, shall be liable to imprisonment for not more than six (6) months or a fine of not more than seventy-five hundred (7,500) yen

Any person who has violated the provisions of Article 76, paragraphs 2 to 4 shall be liable to imprisonment for not more than one (1) year or a fine of not more than fifteen thousand (15,000) yen

Article 85 (Deleted)

Article 86 (Deleted)

Article 87 In addition to the provisions of Article 84, the penal provisions concerning the election of members of the House of Representatives shall apply mutatis mutandis to the election of members of the House of Councillors, provided, however, that the chairman of the Election Sub-Meeting and the place of such a meeting in the election of Members from national constituency are respectively considered as the Chairman of Election and the place of an election meeting

Chapter XII. *Supplementary Provisions*

Article 88. When a Commissioner for Overseeing the Election of Members from the national constituency, Voting Overseer, Ballot-Counting Overseer, Chairman of Election Sub-Meeting or Chairman of Election has lost the right to vote, he shall forfeit his office.

Article 89. Expenditures in connection with the execution of election shall be provided for by ordinance.

Article 90. A candidate or a person who has notified his recommendation of a candidate may, according to provisions of Ordinances, send ordinary postcards for election campaign to the maximum of ten thousand (10,000) sheets free of postage, per candidate.

Facilities of schools and other establishments to be designated by ordinances shall be permitted to be used for campaign speeches, in accordance with the provisions of ordinances.

The caretaker of the establishments mentioned in the preceding paragraph shall provide facilities necessary for making campaign speeches in accordance with the provisions of ordinances.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies shall, in accordance with the provisions of ordinances, publish documents in which the names, careers, etc., of candidates are described.

The Commission for Overseeing the Election of the Municipal, Town and Village Assemblies shall post up a notice of the names, etc., of candidates in accordance with the provisions of ordinances.

Article 91. In this Law the provisions concerning the Commission and Commissioners for Overseeing the Election of the members of the City Council shall apply to the Commission and Commissioners for Overseeing the Election of the Members of the Ward (of City) Councils, or the Ward Commission and Ward Commissioners for the Overseeing the Election of the Members of the City Council, and also the provisions concerning cities shall apply to wards in cities, with regards to the ward areas in Tokyo-to and the cities stipulated in Article 6 and Article 82, paragraph 1, of the Law of the Organization of Cities.

In the application of the provisions of this Law, the Commission for Overseeing the Election of the Town or Village Headman and the Commissioners for the same in the towns and villages stipulated in Article 38 of the Law concerning the Organization of Towns and Villages shall be considered respectively as the Commission for Overseeing the Election of the member of the Town or Village Assemblies and the Commissioner for the same.

In the application of this Law, such associations of towns or villages as collectively take charge of the whole affairs of the towns or villages or affairs of the town or village offices shall be considered as one or village and the Commission for Overseeing the tion of members of the Assemblies of the Associati towns or villages and the Commissioners for the or the Commission for Overseeing the Election of seers of the Town or Village Association and the missioners for the same shall be considered respect as the Commission for Overseeing the Election of bers of the Town or Village Assembly and the Cor sioners for the same.

In places where the Law concerning the Organiz of Towns and Villages has not yet been enforced provisions in this Law concerning the Commissio Overseeing the Election of Members of the Tov Village Assembly shall apply to a person who ho post corresponding to the town or village headmar provisions relating to town or village shall apply t body corresponding to town or village.

Article 92. With regard to matters to which the visions of this Law cannot be applied in an island o other place without adequate means of transporta special provisions may be enacted by ordinances.

Article 93. Provisions necessary for the enforce of this Law shall be enacted by ordinances.

Additional Provisions:

Article 1. The present Law shall come into for from the date of its promulgation.

Article 2. (Deleted)

Article 3. The President or judges of the Cou Administrative Litigation in active service shall, ing the enforcement of the Constitution, not be eli for election, regardless of the provisions of the pr Law.

Article 4. The term "the House of Councillor Article 14 shall read "House of Peers" pending establishment of the House of Councillors.

Article 5. (Deleted)

Article 6. (Deleted)

Article 7. (Deleted)

Article 8. (Deleted)

Article 9. The right to vote and the eligibility o person to whom the House Registration Law doe apply shall be suspended for the time being.

Article 10. In the first regular election of Membe the House of Councillors to be held under this Lav election of six year term Members and that of three term Members shall be held conjointly on the date fixed by an Imperial Rescript.

Regarding the first ordinary election of the Men of the House of Councillors to be effected by this "within ten (10) days" shall read "within five (5) d in Article 61.

Article 11. With respect to the first regular ele of Members of the House of Councillors to be held u

the present law, the term "the fixed number of members to be returned for the electoral district concerned in a regular election" in Article 55, paragraph 2 and Article 56, paragraph 1, proviso and Article 79, paragraph 1, items 1 and 2 shall read "the fixed number of members in the electoral district concerned" and the term "the fixed number of members to be returned in a regular election" in Article 66, Article 67, proviso and Article 79 paragraph 1, items 1 and 2, shall read "the fixed number of members"

Article 12 As regards the initial members of the House of Councillors, in case a regular election takes place before the enforcement of the Constitution of Japan, they will become members of the House from the effective date of the Constitution, and their term of office shall be calculated as from that date, in case a regular election takes place after the enforcement of the Constitution, their term of office shall be calculated as from the date of the said regular election

ANNEX

Electoral district	*Number of members*	*Electoral district*	*Number of members*
Tokyo Metropolis	8	Aomori Prefecture	2
Kyoto Prefecture	4	Yamagata Prefecture	2
Osaka Prefecture	6	Akita Prefecture	2
Kanagawa Prefecture	4	Fukui Prefecture	2
Hyogo Prefecture	6	Ishikawa Prefecture	2
Nagasaki Prefecture	2	Toyama Prefecture	2
Niigata Prefecture	4	Tottori Prefecture	2
Saitama Prefecture	4	Shimane Prefecture	2
Gumma Prefecture	4	Okayama Prefecture	4
Chiba Prefecture	4	Hiroshima Prefecture	4
Ibaragi Prefecture	4	Yamaguchi Prefecture	2
Tochigi Prefecture	4	Wakayama Prefecture	2
Nara Prefecture	2	Tokushima Prefecture	2
Mie Prefecture	2	Kagawa Prefecture	2
Aichi Prefecture	6	Ehime Prefecture	2
Shizuoka Prefecture	4	Kochi Prefecture	2
Yamanashi Prefecture	2	Kukuoka Prefecture	6
Shiga Prefecture	2	Oita Prefecture	2
Gifu Prefecture	2	Saga Prefecture	2
Nagano Prefecture	4	Kumamoto Prefecture	4
Miyagi Prefecture	2	Miyazaki Prefecture	2
Fukushima Prefecture	4	Kagoshima Prefecture	4
Iwate Prefecture	2	Hokkaido District	8

PETITION LAW

(Law No. 13, March 13, 1947)

Article 1. The provisions of the present Law shall apply to the petition, if not otherwise provided for by a law.

Article 2. The petition shall be made by a written form by entering the name (the title in the case of a juridical person) and domicile (address, in the case of having no domicile) of the petitioner.

Article 3. The petition shall be filed in the governmental or public office which has the jurisdiction for petition matters. The petition for the Emperor shall be filed in the Cabinet.

The petition may be filed in the Cabinet, if the competent governmental or public office for petition matter is indistinct.

Article 4. When the petition is filed, by mistake, in the other governmental or public office than that as provided for by the preceding paragraph, the said office shall indicate the legal office to the petitioner, or transmit the said petition to the legal office.

Article 5. The petition in conformity with the present Law shall be received and disposed of in sincerity by the governmental or public office.

Article 6. Any person shall not be treated otherwise for filing a petition.

Supplementary Provision:

The present Law shall come into force as from the day of enforcement of the Japanese Constitution.

FUNDAMENTAL LAW OF EDUCATION

(Law No 25, March 31, 1947)

Having established the Constitution of Japan, we have shown our resolution to contribute to the peace of the world and welfare of humanity by building a democratic and cultural state The realization of this ideal shall depend fundamentally on the power of education

We shall esteem individual dignity and endeavour to bring up the people who love truth and peace, while education which aims at the creation of culture general and rich in individuality shall be spread far and wide

We hereby enact this Law, in accordance with the spirit of the Constitution of Japan, with a view to clarifying the aim of education and establishing the foundation of education for new Japan

Article 1 (Aim of Education) Education shall aim at the full development of personality, striving for the rearing of the people, sound in mind and body, who shall love truth and justice, esteem individual value, respect labour and have a deep sense of responsibility, and be imbued with the independent spirit, as builders of the peaceful state and society

Article 2 (Educational Principle) The aim of education shall be realized on all occasions and in all places In order to achieve the aim, we shall endeavour to contribute to the creation and development of culture by mutual esteem and cooperation, respecting academic freedom, having a regard for actual life and cultivating a spontaneous spirit

Article 3 (Equal Opportunity in Education) The people shall all be given equal opportunities of receiving education according to their ability, and they shall not be subject to educational discrimination on account of race, creed, sex, social status, economic position or family origin

The state and local public corporations shall take measures to give financial assistance to those who have, in spite of their ability, difficulty in receiving education for economic reasons

Article 4 (Compulsory Education) The people shall be obligated to have boys and girls under their protection receive nine years' general education

No tuition fee shall be charged for compulsory education in schools established by the state and local public corporations

Article 5 (Co-education) Men and women shall esteem and cooperate with each other Co-education, therefore, shall be recognized in education

Article 6 (School Education) The schools prescribed by law shall be of public nature and, besides the state and local public bodies, only the juridical persons prescribed by law shall be entitled to establish such schools

Teachers of the schools prescribed by law shall be servants of the whole community They shall be conscious of their mission and endeavour to discharge their duties For this purpose, the status of teachers shall be respected and their fair and appropriate treatment shall be secured

Article 7 (Social Education) The state and local public bodies shall encourage home education and education carried out in places of work or elsewhere in society

The state and local public bodies shall endeavour to attain the aim of education by the establishment of such institutions as libraries, museums, civic halls, etc , by the utilization of school institutions, and by other appropriate methods

Article 8 (Political Education) The political knowledge necessary for intelligent citizenship shall be valued in education

The schools prescribed by law, shall refrain from political education or other political activities for or against any specific political party

Article 9 (Religious Education) The attitude of religious tolerance and the position of religion in social life shall be valued in education

The schools established by the state and local public bodies shall refrain from religious education or other activities for a specific religion

Article 10 (School Administration) Education shall not be subject to improper control, but it shall be directly responsible to the whole people

School administration shall, on the basis of this realization, aim at the adjustment and establishment of the various conditions required for the pursuit of the aim of education

Article 11 (Additional Rule) In case of necessity appropriate laws shall be enacted to carry the foregoing stipulations into effect

Supplementary Provision

The present Law shall come into force as from the day of its promulgation

FINANCE LAW

(Law No. 34, March 31, 1947)

CONTENTS OF THE FINANCE LAW

Chapter I. General Provisions of Finance

Article 1. The budgetary estimates of the State and other fundamental matters relating to finance shall all be executed in accordance with the provisions of the Law.

Article 2. By the term "Annual Revenue" are understood the cash receipts, which are to constitute the financial source for the payments that are to satisfy and cover the various demands of the State during the fiscal year, whereas the term "Annual Disbursement" means the defrayments in cash which are to satisfy and cover the various demands of the State.

The cash receipts as mentioned in the preceding paragraph comprise also the proceeds from the disposal of other properties or what are created as the result of the assumption of a new liability, whereas in the defrayments in cash also mentioned in the same paragraph are included likewise what produce the acquisition of other properties or the decrease of the liabilities.

It is to be understood further that in the Annual Revenue and the Annual Disbursement as mentioned in paragraph 1 are included likewise the transferred amounts moving between the different accounts, besides what is caused by the transfer within the State Treasury, on the basis of the provisions of the Law.

The term "Annual Revenue" shall mean all kinds of income in one fiscal year, and the term "Annual Disbursement" shall mean all kinds of expenditure in one fiscal year.

Article 3. With the exception of the taxes, as regards the imports which are collected and received in consequence of the sovereign right of the State and the prices of monopoly and fees and charges connected with the enterprises which are exclusively operated by the State as the result of the provisions of the Laws or as a matter of fact, all must be provided for by means of the Laws or by the decision reached at the Diet.

Article 4. The Annual Expenditure of the State shall have its financial source in the Annual Revenue other than the public loans or borrowings. It is provided however that as concerns the financial source of the public work expenditure, the investments and the advances, it is authorized to issue public loans or to make borrowings, within the limits of the amounts sanctioned as the result of decision at the Diet.

In the case of the issue of a public loan or of making borrowings, in accordance with the proviso of the preceding paragraph, the plan for their redemption shall be submitted to the Diet.

The limits of the public work expenditure as provided for by paragraph 1, shall be subjected to the decision at the Diet every fiscal year.

Article 5. As regards the issue of public loans in general, it shall not be permitted to make the Bank of Japan undertake it, and as regards the making borrowings, it also not be permitted to make borrowings from the Bank of Japan.

It is provided, however, that in case there exists some special reason therefor, an exception shall be made, only within the limits of the amount sanctioned as the result of the decision reached at the National Diet.

Article 6. In case there is produced a surplus at the settlement of revenues and expenditures in the annual account in each fiscal year, a sum not less than a half of the surplus concerned shall be devoted to the purpose of redemption of public loans or borrowings, by the year after next of the year in which the said surplus was produced unless other measures are taken by the provisions of some other Laws.

In respect of the computation of the surplus referred to in the preceding paragraph, necessary matters therefore shall be stipulated by Cabinet Order.

Article 7. The State is authorized to issue a Treasury bill or to make a temporary borrowing from the Bank of Japan when there is a necessity thereof by reason of the movements of the National Treasury money.

The Treasury Bill or the temporary borrowing mentioned in the preceding paragraph shall be redeemed with the Annual Revenue of the fiscal year concerned.

As regards the highest amount of the Treasury Bill or the temporary borrowing, it shall be subjected to the decision reached at the Diet each fiscal year.

Article 8. Remittal of the whole or part of State

claims or alteration of the validity of the same must be made in accordance with law

Article 9 No State property shall, except in accordance with law, be exchanged, used as means of payment, or transferred or leased without proper countervalue

State Property shall always be managed in good condition and operated most efficiently in accordance with the object of its ownership

Article 10 The charging of the whole or part of expenses required for specific State affairs to persons other than the State shall be done in accordance with law

Chapter II Division of Accounts

Article 11 The fiscal year of the State begins on April 1 every calendar year and ends on March 31 in the following calendar year

Article 12 The expenses for each fiscal year shall be defrayed with the revenue for the same fiscal year

Article 13 The accounts of the State are divided into the general account and special accounts

A special account is established by law in case the State carries on a specific undertaking, or holds a specific fund and conducts its operation, or only in case it is necessary to effect management separately from the general revenue and expenditure, by appropriating specific revenue for specific expenditure

Chapter III The Budget

Part I General Provisions

Article 14 Revenue and expenditure shall all be included in the Budget

Article 15 In case the State performs an act of bearing liability, excepting those provided for by law or those within the extent of amount of expenditure budget, such act shall be subjected to the decision of the Diet beforehand

Besides those provided for in the preceding paragraph, in case of urgent necessity such as restoration from calamity or damages, the State may perform the act of bearing liability within the amount decided by the Diet each fiscal year

The term of the years of the Treasury Liability Bearing Act in the preceding two paragraphs shall be within *three years of the present fiscal year, except the extraordinary cases such as,* when the Diet approves the extension of the term, or the salaries and pensions to be paid to foreigners, guarantee of the liabilities or replenishment of the principal, and interest or the interest, of the liabilities of public bodies, rent of land or building, shares of money under international treaty, and other or cases under the authorization of the law

The act of bearing liability according to the provision of the preceding two paragraphs must be reported to the Diet at its next ordinary session

The act of bearing liability performed by the State in accordance with the provision of paragraph 1 or 2 shall be called the National Liability

Part II Formulation of the Budget

Article 16 The Budget shall consist of general budget provisions, revenue and expenditure estimates, and national liability

Article 17 The President of the House of Representatives, the President of the House of Councillors, the Director of the Supreme Court, and Director of Board of Audit, shall be obligated to make the report of the estimate of revenues, expenditures and national liability under their jurisdiction each fiscal year, and send it to the Cabinet for respective convenience of budget control and adjustment

The Prime Minister and the Ministers of the respective Ministries shall be obliged to make the report of the estimates of revenues, expenditures and national liability *under their respective jurisdiction each fiscal year, and* send it to the Minister of Finance

Article 18 The Minister of Finance shall examine the estimation of the preceding paragraph, and, after necessary adjustments, to it he shall make the provisional estimate of revenues, expenditures, and national liability in order to get the decision of the Cabinet

Before the Cabinet makes the final decision of the preceding paragraph, it must ask for the opinions of the President of the House of Representatives, the President of the House of Councillors, the Director of the Supreme Court, and the Director of the Board of Audit with regard to the rough estimates of the expenditure of the Diet, the Court, and the Board of Audit

Article 19 In case the estimated expenditures of the Diet, the Court and the Board of Audit are cut down by *the Cabinet, the estimates sent in from the Diet,* the Court and the Board of Audit shall also be given in the budget of revenue and expenditure in detail, together with the sources of revenue which may become necessary in case the expenditure of the Diet, the Court and the Board of Audit is to be amended by the Diet

Article 20 The Minister of Finance shall prepare a detailed statement of estimated revenue for each fiscal year in accordance with the decision of the Cabinet referred to in Article 18

The President of the House of Representatives, the President of the House of Councillors, Director of the Supreme Court, and the Director of the Board of Audit, the Prime Minister, and the Ministers of the respective Ministries (hereinafter called heads of the respective

Ministries and other Government Agencies) shall, prepare in pursuance of what is determined by the Minister of Finance respectively within the range of the rough estimate decided upon by the Cabinet as referred tó in Article 18, and send to the Minister of Finance a requisition each fiscal year for the estimated expenses and the national liability.

Article 21. The Minister of Finance shall prepare the budget in accordance with the detailed statement of estimated revenue and the requisition from the House of Representatives, House of Councillors, the Court, the Board of Audit, the Cabinet and respective Ministries (hereinafter called the respective Ministries and other Government Agencies) each for the estimated expenses and the national liability, and ask for the decision of the Cabinet.

Article 22. In the general provisions for the budget estimates, in addition to summary regulations pertaining to revenue and expenditure estimates and national liability, the following matters shall be provided:

1. The limit to the amount of public loans or borrowings as provided for in the proviso of paragraph 1, Article 4;
2. The limit to the amount of public work expenditure as provided for in paragraph 3, Article 4;
3. The limit to the amount of public loans to be undertaken by, or of the borrowings to be borrowed from, the Bank of Japan as provided for in the proviso of Article 5;
4. The maximum amount of the Treasury bill to be issued by the Ministry of Finance or of the temporary borrowing to be borrowed from the Bank of Japan as provided for in paragraph 3, Article 7;
5. The limit to the amount resulting from the national liability as provided for in paragraph 2, Article 15;
6. Matters necessary for the execution of the budget in addition to those mentioned in the preceding items.

Article 23. As regards the budget estimates of revenue and expenditure, they shall be divided mainly into Parts, according to their nature in the case of revenue, and according to their purposes in the case of expenditure, and each Part shall be divided into Titles and Items. Again a clear statement shall be made therein of departments, bureaus, etc., concerned with the receipts or disbursements.

Article 24. In order to meet an unforeseen deficit in the estimates, the Cabinet shall include in the budget of revenue and expenditure an amount deemed proper as a reserve.

Article 25. Of the estimated expenditure, those expenses whose defrayal is not expected to be completed within a given fiscal year on account of their nature, shall be shown expressly in the budget so that they may be asked for the approval of the Diet for carrying them over to, and used in the ensuing fiscal year.

Article 26. As regards the national li[illegible], the reason of its necessity for each item, the fiscal year in which the acts of liability are performed, and the limit to the amount of national liability shall be made clear, and the fiscal year, the term or the annual defrayal of the disbursement resulting from the national liability shall be shown in case of necessity.

Article 27. It is usual that the Cabinet shall present to the Diet the budget estimates for each fiscal year during the month of December of the previous fiscal year.

Article 28. The budget estimates to be submitted to the Diet shall accompany the following documents for reference:

1. Detailed statement of estimated revenue;
2. Requisitions for the estimated expenses, requisitions for the national liability, from the respective Ministries and other Government Agencies;
3. Summary showing and net totals of the settlement of the account of revenues and expenditures for the preceding fiscal year before last, the same of the provisional settlement of the account of the same revenues and expenditure for the last fiscal year, and the budget of revenues and expenditures of the present fiscal year;
4. Actual figures showing the conditions of treasury as of the end of the fiscal year before last and the estimated figures showing the conditions as of the end of last fiscal year and as of the end of the current fiscal year;
5. Lists of Government Bonds and borrowings outstanding at the end of the fiscal year before last and lists of estimated amounts of Government bonds and borrowings outstanding at the same as of the end of last fiscal year and the end of the current fiscal year, and a list showing the amounts of annual redemption;
6. Lists showing the amounts of state properties outstanding at the end of the fiscal year before the last and lists showing estimated amounts of state properties and at the end of last fiscal year and the same as of the end of the current fiscal year;
7. Documents showing the assets, liabilities, profits, losses and other conditions of principal corporations in which the Government was interested as of the end of the preceding fiscal year before last, last fiscal year and the present fiscal year;
8. Documents showing the disbursement and estimates of the disbursement, and estimated amount of expenditures after the present fiscal year, of the national liability which will be carried forward to the following fiscal year, and the same showing the total plan the progress and [illegible] of the business extending over several fiscal yea[illegible] [illegible]d
9. D[illegible] [illegible]wing financial [illegible] other dat[illegible] [illegible]n in clarifying budget.

Article [illegible] may f[illegible] tional Bud[illegible] with the [illegible] tary [illegible] [illegible] the Diet [illegible] deficiency a[illegible] [illegible] which

necessary on account of the reason arising after the formation of the Budget or in the expenditure of the national liability or the expenditure belonging to the liability of the State legally or through contract

Excepting the foregoing case, when it is necessary to make significant changes in the existing budget on account of the reason arising after the formation of the budget, the Cabinet may present a revised budget to the Diet

Article 30 The Cabinet may present to the Diet a provisional budget for a certain period of a fiscal year in case it is necessary

The provisional budget shall become extinct upon the formation of the regular budget for the current fiscal year and the payments made or liabilities originated according to the provisional budget shall be regarded as having been made or originated in accordance with the regular budget

Part III Execution of the Budget

Article 31 Upon formation of the budget, the Cabinet shall allocate the amounts of revenues and [ex*penditures, and national liability to the heads of the* respective Ministries and other Government Agencies who are responsible for the execution of the budget according to the resolutions adopted by the Diet

The amount of revenues and expenditures allocated to each Ministry or board according to the provision of the foregoing paragraph shall be classified into divisions and items in case of the revenues and divisions, items and sub-items in case of the expenditures

When the allocation referred to in the first paragraph is made the Minister of Finance shall notify the Board of Audit accordingly

Article 32 The Heads of the respective Ministries and other Government agencies shall not use the appropriation of the expenditure budget for other objects provided for in the respective items

Article 33 The Heads of the respective Ministries and other Government agencies shall not make the transfer among the divisions of the expenditure budget or among the amounts apportioned to respective Sections and Bureaus, but in case it is necessary in executing the budget to make the transfer among the Bureaus and Sections of the same Ministries and Boards, they may make the transfer to Ministry or Government Agencies only *within such amount of money under the item of,* the same name as designated by Cabinet Order

The Heads of the respective Ministries and other Government Agencies shall be authorized to make the transfer among the appropriation of the items and subitems under the provision of the Cabinet Order

The provision of the proviso paragraph 1 and the preceding paragraph shall not be applied in case a special regulation has been in the budget

The Minister of Finance shall report of the transfer under the proviso to paragraph 1 and paragraph 2 to the Board of Audit The amount of transfer under the proviso to paragraph 1 and paragraph 2 be manifestly recorded with the reason therefor in the settlement of the account of revenues and expenditures

Article 34 The heads of the respective Ministries and other Government Agencies, on the basis of the budget apportioned to them in accordance with the provisions of paragraph 1, Article 31, and according to the terms as fixed by the Minister of Finance, shall prepare a plan concerning the payment or contracts, by determining the amounts needed for the payment, or the amounts needed for the contract and other acts (hereinafter to be referred to as contracts, etc) which cause the payment by the State separately for each of the personnels engaged in the business of defrayment and of contract, and forward the same plan to the Ministry of Finance, in order to obtain his regular recognition

The Minister of Finance, by taking into due consideration the actual circumstances of the monetary market, the state of the Treasury money, and the Annual Revenue, and further, of the condition of the outlay of the *expenditure concerned, shall prepare for each period as* mentioned in the preceding paragraph, the policy regarding the recognition of the plan as to the payment or contracts, etc , and submit the same to the Cabinet Conference in order to obtain its final decision

When the Minister of Finance, on the basis of the policy as mentioned in the preceding paragraph, has given his recognition to the plan of payment or contracts, etc , he shall notify the heads of the respective Ministries and Boards thereof, as well as to the Board of Audit, and at the same time he shall also notify the Bank of Japan of the Plan of payment

Article 35 The reserve fund shall be controlled by the Minister of Finance

The Head of each Ministry or Government Agency shall make the report on the reason amount and bases of the computation in case of necessity to disburse from the reserve fund, and send it to the Minister of Finance

The Minister of Finance must investigate the request of the preceding paragraph, and make the summary report of the reserve fund with necessary adjustment in

the permission of the Cabinet

When the summary report of the reserve fund is decided, the expenses included in the report shall be regarded as appropriated under the provision of the paragraph 1st of Article 31

The provisions of paragraph 2, the main clause of paragraph 3 and the preceding paragraph 4 shall apply to the national liability under the provision of the paragraph 2 of Article 15

Article 36 For disbursements made out of the reserve

fund the Heads of the respective Ministries and other Government Agencies shall prepare a statement thereof and submit it to the Minister of Finance immediately after the opening of the following ordinary session of the Diet.

The Minister of Finance shall prepare a summarized statement of such disbursements based upon each statement of the preceding paragraph.

The Cabinet shall introduce the summarized statement of disbursements made out of the reserve fund and also the statements of the respective Ministries and other Government Agencies into the following ordinary session of the Diet for its approval.

The Minister of Finance shall submit the summarized statement and the statements of the preceding paragraph to the Board of Audit.

Chapter IV. Settlement of Accounts

Article 37. The Heads of the respective Ministries and other Government Agencies shall, according to the decision made by the Minister of Finance, prepare a report on the settlement of revenues and expenditures under their jurisdiction and statement of Government debts for each fiscal year and submit them to the Minister of Finance.

The Minister of Finance shall prepare a detailed statement of settled revenue based on the report on the settlement of revenues of the preceding paragraph, using the same classification as that in the detailed statement of revenue budget.

Article 38. A settlement of revenues and expenditures shall be made out by the Minister of Finance based on the detailed statement of settled revenue and report on the settlement of expenditures.

The settlement of revenues and expenditures shall be prepared according to the same classification as that in the revenue and expenditure budget, classifying therein the items given below.

(1) Revenue

1. Estimated revenue.
2. Revenue decided to collect (as regards revenue undecided to collect, the amount which was adjusted as "decided to collect" after it had been received).
3. Revenue received.
4. Deficiencies due to default.
5. Revenue not yet received.

(2) Expenditure

1. Estimated expenditure.
2. Expenditure to be brought forward from the preceding fiscal year.
3. Reserve fund disbursed.
4. Amount of increase of decrease in accommodation.
5. Expenditure disbursed.
6. Expenditure to be carried forward to the succeeding fiscal year.
7. Amount unused.

Article 39. The Cabinet shall submit the settlement of revenue and expenditure to the Board of Audit together with the detailed statement of settled revenue, the reports on the settlement of expenditures presented by the respective Ministries and other Government Agencies and the statement of Government debts, by the time November 30th of the subsequent year.

Article 40. The cabinet shall customarily present the settlement of revenue and expenditure examined by the Board of Audit to the ordinary session of the Diet to be convened in the following year.

The settlement of revenue and expenditure of the preceding paragraph shall be accompanied with the report of audit by the Board of Audit and the detailed statement of settled revenue, settlement and the reports on the settlement expenditures submitted by the respective Ministries and other Government Agencies and the statement of Government debts.

Article 41. Any surplus arising in the annual budget for each fiscal year shall be transferred to the revenue for the following fiscal year.

Chapter V. Miscellaneous Provisions

Article 42. The appropriation of the respective fiscal year shall not be carried over to the subsequent fiscal year. However, appropriations approved by the Diet for carrying over in accordance with the provisions of Article 25 and expenditures, the payment of which was contracted for and has not been completed within a fiscal year on account of unavoidable circumstances, may be carried forward and used in the following fiscal year.

Article 43. In case where the carrying forward of an account is necessary in accordance with the provisions of the preceding Article of each the heads the respective Ministry and other Government Agencies shall prepare a statement of carrying forward explaining reasons and amount thereof per item and should ask the approval the Ministry of Finance thereof.

In case where the approval mentioned in the preceding paragraph is given the budget shall be deemed to have been allotted to the expenditure concerned in accordance with the provisions of the first paragraph of Article 31.

Article 44. The State may possess special funds as far as it is stipulated by law.

Article 45. In case where it is necessary for special accounts, any other stipulation contrary to this law may be made.

Article 46 In case where a budget is approved, the Cabinet shall give, without delay, an account to the nation about the budget, the settlement of revenue and expenditure of the preceding fiscal year before last and the general items concerning finance such as the amount on hand of public loan, borrowings, state property, etc , by means of printed matter, conferences, etc

Except those stipulated in the preceding paragraph, the Cabinet shall give at least every trimester an account to the Diet and nation about the situation of appropriation that of national treasury and others concerning finance

Article 47 Matters necessary for the application of the present Law shall be stipulated by Cabinet Order

Supplementary Provisions

Article 1 The present Law shall come into force as from April 1, 1947, however, the provisions of Article 17, Article 18, paragraph 2, Article 19, Article 30, Article 31, Article 35 and Article 36 shall be put in force as from the day of the enforcement of the Constitution of Japan, and the date of enforcement of the provisions of Article 3, Article 10 and Article 34 shall be fixed by Cabinet Order

The provisions of Articles 4 and 5 shall apply to public loans or receipts through borrowing to be included in the budget for the fiscal year 1948–49 onward, and the provisions of Article 7 and Chapter 3 (exclusive of paragraph 1 of Article 17, paragraph 2 of Article 18, Article 19, Article 28, Article 30, Article 31, Article 34 and Article 36 inclusive) and the provisions of Chapter IV to the budget estimates and final accounts for the fiscal year 1947–48 onward

Article 2 In this Law, "the Diet," "the Cabinet," "the Ministries and other Government Agencies," and "Cabinet Order" shall, until the enforcement of the Constitution of Japan, read respectively "the Imperial Diet," "the Government," "the Ministries" and "Imperial Ordinance"

Until the enforcement of the Constitution of Japan, in the second paragraph of Article 20, "The President of the House of Representatives, the President of the House of Councillors, the Director of the Supreme Court, the Director of the Board of Audit and the Prime Minister and the Ministers of the respective Ministries (hereinafter called the head of respective Ministries and other Government Agencies)" shall read as "Minister of respective Ministries" and in Article 21, "the House of Representatives, the House of Councillors, the Court, the Board of Audit, Cabinet and respective Ministries (hereinafter called respective Ministries and other Government Agencies)" shall read in "Respective Ministries "

Article 3 With regard to disbursements from the reserve fund made prior to the enforcement of the present Law and the final accounts for the fiscal year 1945–46 and 1946–47, former provisions shall still prevail

Article 4 Matters for which approval of the Diet has [illegible]

provision of paragraph 3 of Article 15 after the revision shall not be applicable

Article 5 The following laws shall be abrogated

Law No 2 in the year of 1911, pertaining to the Use by Carry-over of Subsidies for Construction Work if public Corporations,

Dajokan Decree No 17 in the year of 1872, pertaining to contributions to the Government

fund the Heads of the respective Ministries and other Government Agencies shall prepare a statement thereof and submit it to the Minister of Finance immediately after the opening of the following ordinary session of the Diet.

The Minister of Finance shall prepare a summarized statement of such disbursements based upon each statement of the preceding paragraph.

The Cabinet shall introduce the summarized statement of disbursements made out of the reserve fund and also the statements of the respective Ministries and other Government Agencies into the following ordinary session of the Diet for its approval.

The Minister of Finance shall submit the summarized statement and the statements of the preceding paragraph to the Board of Audit.

Chapter IV. Settlement of Accounts

Article 37. The Heads of the respective Ministries and other Government Agencies shall, according to the decision made by the Minister of Finance, prepare a report on the settlement of revenues and expenditures under their jurisdiction and statement of Government debts for each fiscal year and submit them to the Minister of Finance.

The Minister of Finance shall prepare a detailed statement of settled revenue based on the report on the settlement of revenues of the preceding paragraph, using the same classification as that in the detailed statement of revenue budget.

Article 38. A settlement of revenues and expenditures shall be made out by the Minister of Finance based on the detailed statement of settled revenue and report on the settlement of expenditures.

The settlement of revenues and expenditures shall be prepared according to the same classification as that in the revenue and expenditure budget, classifying therein the items given below.

(1) Revenue

1. Estimated revenue.
2. Revenue decided to collect (as regards revenue undecided to collect, the amount which was adjusted as "decided to collect" after it had been received).
3. Revenue received.
4. Deficiencies due to default.
5. Revenue not yet received.

(2) Expenditure

1. Estimated expenditure.
2. Expenditure to be brought forward from the preceding fiscal year.
3. Reserve fund disbursed.
4. Amount of increase of decrease in accommodation.
5. Expenditure disbursed.
6. Expenditure to be carried forward to the succeeding fiscal year.
7. Amount unused.

Article 39. The Cabinet shall submit the settlement of revenue and expenditure to the Board of Audit together with the detailed statement of settled revenue, the reports on the settlement of expenditures presented by the respective Ministries and other Government Agencies and the statement of Government debts, by the time November 30th of the subsequent year.

Article 40. The cabinet shall customarily present the settlement of revenue and expenditure examined by the Board of Audit to the ordinary session of the Diet to be convened in the following year.

The settlement of revenue and expenditure of the preceding paragraph shall be accompanied with the report of audit by the Board of Audit and the detailed statement of settled revenue, settlement and the reports on the settlement expenditures submitted by the respective Ministries and other Government Agencies and the statement of Government debts.

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Article 43. In case where the carrying forward of an account is necessary in accordance with the provisions of the preceding Article of each the heads the respective Ministry and other Government Agencies shall prepare a statement of carrying forward explaining reasons and amount thereof per item and should ask the approval the Ministry of Finance thereof.

In case where the approval mentioned in the preceding paragraph is given the budget shall be deemed to have been allotted to the expenditure concerned in accordance with the provisions of the first paragraph of Article 31.

Article 44. The State may possess special funds as far as it is stipulated by law.

Article 45. In case where it is necessary for special accounts, any other stipulation contrary to this law may be made.

Article 46 In case where a budget is approved, the Cabinet shall give, without delay, an account to the nation about the budget, the settlement of revenue and expenditure of the preceding fiscal year before last and the general items concerning finance such as the amount on hand of public loan, borrowings, state property, etc., by means of printed matter, conferences, etc.

Except those stipulated in the preceding paragraph the Cabinet shall give at least every trimester an account to the Diet and nation about the situation of appropriation that of national treasury and others concerning finance.

Article 47. Matters necessary for the application of the present Law shall be stipulated by Cabinet Order.

Supplementary Provisions

Article 1. The present Law shall come into force as from April 1, 1947, however, the provisions of Article 17, Article 18, paragraph 2, Article 30, Article [illegible] Article 31, Article 35 and Article 36 shall be put in force as from the day of the enforcement of the Constitution of Japan, and the date of enforcement of the provisions of Article 3, Article 10 and Article 34 shall be fixed [illegible] Cabinet Order.

The provisions of Articles 4 and 5 shall [illegible] loans or receipts through borrowing to be [illegible] the budget for the fiscal year 1948 [illegible] the provisions of Article 7 and Chapter 3 [illegible] paragraph 1 of Article 17, paragraph 2 of Article [illegible] 19, Article 29, Article 30, Article [illegible] Article [illegible] Article 36 inclusive) and the provisions [illegible] to the budget estimates and final accounts [illegible] year 1947–48 onward.

Article 2. In this Law, the Diet [illegible] "the Ministries and other Government Agencies [illegible]

[illegible] Cabinet Order [illegible] shall, until the enforcement of the Constitution of Japan, read respectively [illegible] Diet, [illegible] the Government [illegible] the Ministries [illegible] Imperial Ordinance.

Until the enforcement of the Constitution of Japan, [illegible] the second paragraph of Article 30, [illegible] the House of Representatives, the President of the House [illegible] Committee [illegible] the Director of the [illegible] the Director of the Board of Audit and the Prime Minister and the Ministers of the respective Ministries [illegible] Government Agencies [illegible] respective Ministries and in Article 34, the House of Representatives [illegible] the Board of Audit [illegible] hereinafter called [illegible] Government Agencies [illegible] Ministries.

Article 3. [illegible]

[illegible]

fund the Heads of the respective Ministries and other Government Agencies shall prepare a statement thereof and submit it to the Minister of Finance immediately after the opening of the following ordinary session of the Diet.

The Minister of Finance shall prepare a summarized statement of such disbursements based upon each statement of the preceding paragraph.

The Cabinet shall introduce the summarized statement of disbursements made out of the reserve fund and also the statements of the respective Ministries and other Government Agencies into the following ordinary session of the Diet for its approval.

The Minister of Finance shall submit the summarized statement and the statements of the preceding paragraph to the Board of Audit.

Chapter IV. Settlement of Accounts

Article 37. The Heads of the respective Ministries and other Government Agencies shall, according to the decision made by the Minister of Finance, prepare a report on the settlement of revenues and expenditures under their jurisdiction and statement of Government debts for each fiscal year and submit them to the Minister of Finance.

The Minister of Finance shall prepare a detailed statement of settled revenue based on the report on the settlement of revenues of the preceding paragraph, using the same classification as that in the detailed statement of revenue budget.

Article 38. A settlement of revenues and expenditures shall be made out by the Minister of Finance based on the detailed statement of settled revenue and report on the settlement of expenditures.

The settlement of revenues and expenditures shall be prepared according to the same classification as that in the revenue and expenditure budget, classifying therein the items given below.

(1) Revenue

1. Estimated revenue.
2. Revenue decided to collect (as regards revenue undecided to collect, the amount which was adjusted as "decided to collect" after it had been received).
3. Revenue received.
4. Deficiencies due to default.
5. Revenue not yet received.

(2) Expenditure

1. Estimated expenditure.
2. Expenditure to be brought forward from the preceding fiscal year.
3. Reserve fund disbursed.
4. Amount of increase of decrease in accommodation.
5. Expenditure disbursed.
6. Expenditure to be carried forward to the succeeding fiscal year.
7. Amount unused.

Article 39. The Cabinet shall submit the settlement of revenue and expenditure to the Board of Audit together with the detailed statement of settled revenue, the reports on the settlement of expenditures presented by the respective Ministries and other Government Agencies and the statement of Government debts, by the time November 30th of the subsequent year.

Article 40. The cabinet shall customarily present the settlement of revenue and expenditure examined by the Board of Audit to the ordinary session of the Diet to be convened in the following year.

The settlement of revenue and expenditure of the preceding paragraph shall be accompanied with the report of audit by the Board of Audit and the detailed statement of settled revenue, settlement and the reports on the settlement expenditures submitted by the respective Ministries and other Government Agencies and the statement of Government debts.

Article 41. Any surplus arising in the annual budget for each fiscal year shall be transferred to the revenue for the following fiscal year.

Chapter V. Miscellaneous Provisions

Article 42. The appropriation of the respective fiscal year shall not be carried over to the subsequent fiscal year. However, appropriations approved by the Diet for carrying over in accordance with the provisions of Article 25 and expenditures, the payment of which was contracted for and has not been completed within a fiscal year on account of unavoidable circumstances, may be carried forward and used in the following fiscal year.

Article 43. In case where the carrying forward of an account is necessary in accordance with the provisions of the preceding Article of each the heads the respective Ministry and other Government Agencies shall prepare a statement of carrying forward explaining reasons and amount thereof per item and should ask the approval the Ministry of Finance thereof.

In case where the approval mentioned in the preceding paragraph is given the budget shall be deemed to have been allotted to the expenditure concerned in accordance with the provisions of the first paragraph of Article 31.

Article 44. The State may possess special funds as far as it is stipulated by law.

Article 45. In case where it is necessary for special accounts, any other stipulation contrary to this law may be made.

Article 46 In case where a budget is approved, the Cabinet shall give, without delay, an account to the nation about the budget, the settlement of revenue and [illegible] by means of printed matter, conferences, etc

Except those stipulated in the preceding paragraph, the Cabinet shall give at least every trimester an account to the Diet and nation about the situation of appropriation that of national treasury and others concerning finance

Article 47 Matters necessary for the application of the present Law shall be stipulated by Cabinet Order

Supplementary Provisions

Article 1 The present Law shall come into force as from April 1, 1947, however, the provisions of Article 17, Article 18, paragraph 2, Article 19, Article 30, Article 31, Article 35 and Article 36 shall be put in force as from the day of the enforcement of the Constitution of Japan, and the date of enforcement of the provisions of Article 3, Article 10 and Article 34 shall be fixed by Cabinet Order

The provisions of Articles 4 and 5 shall apply to public loans or receipts through borrowing to be included in the budget for the fiscal year 1948–49 onward, and the provisions of Article 7 and Chapter 3 (exclusive of paragraph 1 of Article 17, paragraph 2 of Article 18, Article 19, Article 28, Article 30, Article 31, Article 34 and Article 36 inclusive) and the provisions of Chapter IV to the budget estimates and final accounts for the fiscal year 1947-48 onward

Article 2 In this Law, the Diet, the Cabinet," "the Ministries and other Government Agencies," and Cabinet Order" shall, until the enforcement of the Constitution of Japan, read respectively "the Imperial Diet, ' 'the Government," "the Ministries" and "Imperial Ordinance "

Until the enforcement of the Constitution of Japan, in the second paragraph of Article 20, "The President of the House of Representatives, the President of the House of Councillors, the Director of the Supreme Court, the Director of the Board of Audit and the Prime Minister and the Ministers of the respective Ministries (hereinafter called the head of respective Ministries and other Government Agencies)" shall read as "Minister of respective Ministries" and in Article 21, "the House of Representatives, the House of Councillors, the Court, the Board of Audit, Cabinet and respective Ministries (hereinafter called respective Ministries and other Government Agencies) ' shall read in Respective Ministries "

Article 3 With regard to disbursements from the reserve fund made prior to the enforcement of the present Law and the final accounts for the fiscal year 1945–46 and 1946–47, former provisions shall still prevail

Article 4 Matters for which approval of the Diet has hitherto been obtained as relating to contracts to the charge of the National Treasury unprovided for in the Budget shall, after the enforcement of the Constitution of Japan, be the national liability But in that case the provision of paragraph 3 of Article 15 after the revision shall not be applicable

Article 5 The following laws shall be abrogated Law No 2 in the year of 1911, pertaining to the Use by Carry-over of Subsidies for Construction Work of public Corporations,

Dajokan Decree No 17 in the year of 1872, pertaining to contributions to the Government

LABOR STANDARD LAW
(Law No. 49, April 1, 1947)

Chapter I. General Provisions

Article 1. (Principle of Working Condition) Working condition must be that which should meet the need of the worker who lives a life worthy of human being.

The standard of working condition affixed by this Law is minimum. Therfore parties of labor relation must not reduce working condition with excuse of this standard and, instead, should endeavor to raise the working condition.

Article 2. (Decision of Working Condition) Working condition should be decided by the worker and employer on equal basis.

The worker and employer must abide by the collective agreement, rule of employment and labor contract, and must discharge their respective duties faithfully.

Article 3. (Equal Treatment) No person shall discriminate against or for any worker by reason of nationality, creed or social status in wages, working hours and other working conditions.

Article 4. (Equal Wages for Men and Women) The employer shall not discriminate women against men concerning wages by reason of the worker being women.

Article 5. (Prohibition of Forced Labor) The employer shall not force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

Article 6. (Expulsion of Intermediate Exploitation) Unless permitted based on the Law, no person shall obtain profit as vocation by intervening in the employment of others.

Article 7. (Guarantee for the Exercise of Civil Right) The employer shall not refuse when the worker requires necessary time to exercise franchise and other civil right or to execute public duty during the working hours. However the employer may change the required time as far as the change does not hinder the exercise of the right or the execution of public duty.

Article 8. (Scopes of Applicable Enterprises) This Law applies to each of the items of enterprises and offices listed below. However, it does not apply to any enterprise or office employing only those relations living with the employer as family member nor to domestic employees in the household.

1. Enterprises engaged in the manufacture, rebuilding, improving, repairing, cleaning, sorting, packing and decoration of goods, finishing, tailoring for the purpose of selling, destruction or breaking up, and alteration of material. (This includes industries which generate, transform, and transmit electricity, gas and various forms of power and also water-works.)
2. Mining, sand mining, stone cutting and other extraction of gravel or minerals.
3. Engineering, construction, and building, remodeling, maintenance, repairing, renovation, wrecking, dismantling of structure and those enterprises engaged in preparatory work for the above enterprises.
4. Enterprises engaged in the transportation of freight and passengers by roads, railroads, streetcar lines, cable lines, vessels and airplanes.
5. Enterprises handling freight at docks, on vessels, at jetties, piers, railway stations, and warehouses.
6. Enterprises engaged in the cultivation of land or reclamation of waste land, planting, cultivating, harvesting of crops, timber cutting, and other agricultural and forestry enterprises.
7. Enterprises engaged in the breeding of animals, catching, gathering and breeding of marine animals and seaweed, and other enterprises such as livestock raising, sericulture and fisheries.
8. Enterprises engaged in the selling, delivery, storing and lending of commodities and barbershop.
9. Barking, insurance, agency, brokerage, bill collection, information and advertising enterprises.

10 Motion-picture production and showing cinematography, stage and other show enterprises

11 Postal, telegraph, and telephone services

12 Enterprises engaged in education, research and investigation

13 Enterprises engaged in the treatment and care of the sick and feeble, and other hygiene and sanitation

14 Hotel, restaurant, snack bar, service trade, and recreation hall enterprises

15 Enterprises engaged in incineration, cleaning and butchery

16 Governmental and other public office which do not come under any of the foregoing items

17 Other enterprises or offices defined by Ordinance

Article 9 (Definition) In this Law, the worker is defined indiscriminately of the kinds of occupation as one who is employed in the above-mentioned enterprises or offices (hereinafter called enterprise simply) and receives wage therefrom

Article 10 In this Law, the employer is defined as the owner or manager of the enterprise or any other person who acts on behalf of the owner of the enterprise in matters concerning the workers of the enterprise

Article 11 In this Law, the wage is defined as the wage, salary, allowance, bonus and every other payment to the worker from the employer as remuneration of labor under whatever name they may be called

Article 12 In this Law, the amount of the average wage is defined as the quotient obtained by dividing the [illegible]

following methods

1 In case the wage is computed by the labor days or labor hours, or defined by piece-rate or other contract price, 60 per cent of the quotient obtained by dividing the total sum of wages by the number of the labor days during that period

2 In case a part of the wage is defined by month, week, or any other fixed period, aggregate of the quotient obtained by dividing the total sum of those parts by the number of all days during that period and the sum computed by the foregoing method

When there is a fixed day for closing the wages account, the period of the preceding paragraph shall be calculated from the last fixed day

If the period mentioned in the two preceding paragraphs includes any of the following periods the days and wages in that period shall be excluded from the days and total amount of wages above-mentioned

1 Days of rest for the medical treatment caused by injury or illness while on duty

2 Days of rest before and after childbirth according to the stipulation of Article 65

3 Days of rest caused by reason for which the employer is responsible

4 Probation period

The total amount of wages of paragraph 1 does not include extraordinary wages, wages which are paid periodically with more than three months period and wages which are paid by anything other than money that is not within certain scope

In case the wage is paid by anything other than money, the scope to be included in the total sum of wages under paragraph 1 and the method necessary for the reckoning of the cost shall be defined by the ordinance

For the worker who has been employed for less than three months, the period of paragraph 1 shall be the period of his or her employment

The average wages of the daily workers shall be fixed by the authoritative minister according to the kind of the industry or the occupation

In case the average wage cannot be computed by paragraph 1 to paragraph 6 inclusive the method will be defined by the competent Minister of labor

Chapter II Labor Contract

Article 13 (Contract Violating This Law) Labor contract which defines working conditions inferior to the standard of this Law is invalid so far as such conditions are concerned, in this case those conditions which become invalid are replaced by the condition of this Law

Article 14 (Period of Contract) Labor contract, excluding those without any set period shall not be concluded for a period longer than one year except those requiring a definite period for the completion of a project

Article 15 (Clarification of Labor Contract) In making labor contract, the employer must clarify the wages, working hours and other working conditions to the worker

When the working conditions clarified under the preceding paragraph are different from the real fact, the worker may cancel the labor contracts without [illegible]

In the case aforesaid, the employer must bear [illegible] travelling expense for the workers who have [illegible] residence for the work when he returns home [illegible] 14 days after cancellation

Article 16 (Ban on the Contract of [illegible]) The employer is prohibited to make a contract [illegible] advance either the sum payable to the [illegible] for breach of contract, or the amount of [illegible] for damage

Article 17 (Ban on the Deduction [illegible] Advanced Money) The employer [illegible]

to collect the advanced money or other claim advanced on condition of labor.

Article 18. (Compulsory Deposit) The employer must not make a deposit contract or a contract to keep the savings-note, concomitant with the labor contract.

To keep the deposit committed by free will in custody, the employer must define the method of keeping and releasing and must obtain the sanction of administrative office thereabout.

Article 19. (Restriction Concerning the Dismissal of Workers) The employer shall not dismiss a worker injured, or taken ill while on duty during the period of medical treatment and 30 days thereafter; nor shall discharge a woman pregnant or who has given childbirth during the period of vacation stipulated in Article 65 and for 30 days thereafter. However, this shall not apply when the employer pays expiry compensation stipulated in Article 81 or when the continuance of the enterprise is made impossible by reason of some natural calamity or other inevitable cause.

In case of the latter part of the foregoing proviso to the preceding paragraph the employer must obtain the approval of the adminstrative office to the reason.

Article 20. (Dismissal Notice) When the employer wishes to cancel the labor contract he must give at least 30 days advance notice. The employer who does not give 30 days' notice in advance shall pay money equivalent to 30 days average wages. This does not apply when the continuance of the enterprise is made impossible by reason of some natural calamity or other inevitable cause, or when the employer dismisses the worker by reason for which the worker is responsible.

The number of days of notice under the preceding paragraph may be reduced in case the employer pays the average wages for the number of the reduced days.

In case of the proviso to paragraph 1 of the preceding Article, the paragraph 2 of the said Article shall apply.

Article 21. The preceding Article shall not apply to those workers who come under any one of the following:

1. Workers who are employed daily.
2. Workers who are employed for a period not longer than two months.
3. Workers who are employed in a seasonal work for a period not longer than four months.
4. Workers in probation.

The preceding paragraph shall not apply when the worker who comes under item 1, is employed for more than a month consecutively, or when the worker who comes under item 2, or 3, is employed for more than the period fixed by each item, or when the worker who comes under item 4 is employed for more than 14 days.

Article 22. (Certificate of Employment) When the worker on the occasion of retirement requests a certificate stating the period of employment, the kind of occupation, the position in the enterprise and wages, the employer shall present him one without delay.

The employer shall not insert in the certificate what the worker does not require.

The employer in conspiracy with others shall not send any communication concerning nationality, creed, social status or the union activity of the worker with the will to impede the employment of the worker not tack on any secret sign on the certificate mentioned in paragraph 1.

Article 23. (The Return of Money and Other Valuables) Upon the worker's death or his dismissal, the employer shall complete the payment of wages, and return whatever reserves, bonds, savings and other funds and valuables belonging to the worker, within 7 days of the claimant's request.

If the claims to the wages and valuables described in the preceding paragraph are disputed, the employer shall pay or return the amount remaining undisputed within the period fixed in the same paragraph.

Chapter III. Wages.

Article 24. (Payment of Wages) Wages must be paid in cash and in full directly to the workers. However, when otherwise stipulated by the Law, or by collective agreement, the employer can deduct a part of the wage or pay not in cash.

Wages must be paid at least once a month at a definite date. However this does not apply to extraordinary wages, bonus and the like which will be defined by ordinance.

Article 25. (Emergency Payment) When the worker requires to appropriate money for emergency use such as childbirth, disease, accident and other cases which will be defined by ordinance in detail, the employer shall pay the accrued wages before the day of payment.

Article 26. (Rest-day Allowance) For the rest-day caused by reason for which the employer is responsible, the employer shall pay allowance equivalent to the 60 per cent of the worker's average wage.

Article 27. (Guarantee in Piece Work System) When the worker is employed by piece rate or at contract wage the employer must assure the worker of a fixed sum of wage proportionate to the working hour.

Article 28. (Minimum Wage) When the competent office considers it necessary it can fix minimum wage for the worker employed in certain enterprises or in certain occupations.

Article 29. Central Wage Boards and Local Wage Board shall be established for the purpose of investigating matters pertaining wages.

In case of necessity, special committee may be established regarding certain enterprise or occupation in the Wage Board.

The members of the Wage Board shall be appointed by the competent office in the same number from among the representatives of labor and management, and the public. The representatives of labor and management shall be appointed upon the basis of the recommendation of both parties

Necessary matters except the stipulation of this Law pertaining to Wage Board will be stipulated by ordinance

Article 30 When the competent office wishes to fix the minimum wages, it must first apply for the investigation and recommendation of the Wage Board thereupon

In the foregoing case the Wage Board shall recommend to the competent office an amount of minimum wages for workers who are employed in certain enterprises or in certain occupations

The competent office shall hold public hearings on the foregoing recommendation, and then based on the recommendation and public opinion, shall fix the minimum wage

When the Local administrative office wishes to fix minimum wages it must obtain the approval of the competent Minister after it has finished the procedure of the three foregoing paragraphs

When the Wage Board thinks it necessary, it can recommend matters pertaining to wages to administrative offices concerned

Article 31 When the minimum wage is fixed, the employer shall not employ a worker at less wage than the fixed minimum wage However, this shall not apply to the following cases

1 In case the employer obtains the approval of the administrative office concerning the worker whose efficiency is remarkably low on account of the mental or physical handicap

2 In case the worker does not work for the fixed period of time by reason for which the worker is responsible

3 In case the employer has obtained the sanction of the administrative office with regard to the worker in probation or worker whose work schedule is remarkably short

Chapter IV Working Hours, Recess, Holidays and Annual Vacation with Pay

Article 32 (Working Hours) The employer shall not employ the worker more than 8 hours a day excluding recess or forty-eight hours a week

In case the employer stipulates by the rule of employment or by other stipulation, he may employ the worker according to the stipulation more than eight hours on a special day or forty-eight hours in a special week when the average working hours of four weeks do not exceed forty-eight hours in a week

Article 33 The employer may extend the working hours described in the preceding Article or in Article 40 under the sanction of the administrative office in case of accidents and other unavoidable temporary need within the limit of the necessity However, when the necessity is so urgent that there is not time enough to obtain the sanction of the administrative office, the employer must report to that effect ex post facto without delay

When the administrative office considers the extension of the working hour to be illegal in the foregoing case, it is authorized to order the employer to give the worker recess or holiday corresponding to the prolonged hour

In case there is temporary necessity to transact the official business, the Government Official, municipal official and other public official employed in the enterprise of Article 8 item 16 may be employed longer than the working hours described in the preceding Article or in Article 40 regardless of the stipulation of paragraph 1, or may be employed on restdays stipulated in Article 35

Article 34 (Recess) The employer shall provide recess totaling at least forty-five minutes for those who have worked more than six hours, and at least one hour for those who have worked more than eight hours

The forementioned recess must be given to all workers at the same time However, this provision shall not apply when the employer receives sanction from the administrative office

The employer shall allow the workers to use the recess described in paragraph 1 as they please

Article 35 (Rest Days) The employer must provide at least one rest day per week to the worker

The stipulation in the foregoing paragraph does not apply to employers who provide four or more rest days during four weeks

Article 36 (Overtime Working and Working on Rest Days) Regardless of the respective Articles, the employer may extend the working hours stipulated in Article 32 and Article 40 or employ workers on rest days stipulated in the preceding Article if he reaches an agreement with the trade union when there is a union which is composed of the majority of the workers at the working place, or with persons representing the majority of workers when there is not such a union and submits the written agreement to the administrative office However, in case of underground labor or other jobs injurious to health as specified by ordinance the extension shall not exceed two hours per day

Article 37 (Increased Wages for Overtime Work, Work on Rest Days and Midnight Labor) When the employer extends the working hour or employs the worker on rest day under the stipulations of Article 33 or of the preceding Article or employed the worker during 10 p m and 5 a m (when the competent Minister of Labor deems

it necessary he may change these hours from 11 p.m. to 6 a.m. specifying the area or the season), he shall pay for the labor of the hour or the day increased rate wages by at least 25 per cent of the normal wages.

Family allowance, commutation allowance and other wages, stipulated by ordinance are excluded from the normal wage upon which increased rate wages should be computed.

Article 38. (Computation of Working Time) The working hour as stipulated by this Law shall be summed up regardless of change in working places.

In underground labor the whole period from the time the worker enters into the pit-mouth and to the time the worker goes out of pit-mouth including recess is deemed as working hour. In this case, the stipulation concerning recess in Article 34, paragraphs 2 and 3, shall not apply to underground labor.

Article 39. (Annual Vacation with Pay) The employer shall grant six-days annual vacation with pay consecutively or separately to the workers who have been employed continuously for a year and were present over eighty per cent of the whole working days.

The employer shall grant an increased annual vacation with pay amounting to one day per one continued year in addition to the annual vacation specified in the foregoing paragraph to the workers who have worked continuously for two or more years. However, in case the total vacation with pay exceeds 20 days, the employer need not give vacation with pay so far as the excess is concerned.

The employer shall grant vacation stipulated in the two preceding paragraphs in the season the workers require, and shall pay the worker the average wages during the period. However, when it prevents the normal operation of the enterprise to give the vacation in the required season, the employer is authorized to change the season.

Days of rest for the medical treatment caused by injury or illness while on duty and the days of rest before and after childbirth according to the stipulation of Article 65 shall be deemed to be present in applying 1st paragraph.

Article 40. (Special Ordinance of Working Hours and Recess) In certain occupations or enterprises which come under Article 8, item 4, item 5 and item 8 to item 17 inclusive, in which it is essential to avoid the inconvenience to the public or the like or in which there is other special need, special ordinance concerning working hours of Article 32 and recess of Article 34 may be issued within the limit that is unavoidable.

Special ordinance stipulated in the preceding paragraph shall conform as closely as possible to the standards of this Law and shall not be detrimental to the health and welfare of the employees.

Article 41. (Exception of Application) Stipulations of this Chapter and Chapter VI concerning working hours, recess and holidays shall not apply to the following items:

1. Persons engaged in the enterprise which comes under item 6 and 7 of Article 8.

2. Persons holding positions of supervision of management, or persons employed in confidential capacity whatever the enterprise may be.

3. Persons engaged in intermittent labor and approved by the administrative office.

Chapter V. Safety and Sanitation.

Article 42. (Prevention of Accident and Disease) The employer must take necessary measures to prevent accident resulting from machinery, tools and other equipments or, gas, steam, dust and other material.

Article 43. With regard to the establishment or its annex where the workers are accommodated the employer must take necessary means for ventilation, lighting, illumination, heating, damp-proof, rest, emergency escape, cleanliness, and other facilities necessary for the maintenance of health, good morale, and life of the workers.

Article 44. Workers shall observe necessary rules for the prevention of danger and injury.

Article 45. The standard of means to be taken by the employer in accordance with Article 42 and Article 43 and the rules which the workers should observe under the preceding Article shall be stipulated by ordinance.

Article 46. (Safety Equipment) The machinery and tools requiring dangerous work shall not be transferred, rented, or installed unless they are fitted up to a certain standard or the safety equipments are installed.

The machinery and tools which require particularly dangerous work, shall not be manufactured, altered or installed unless special permission of the administrative office is given in advance.

The kind of the machinery and tool, and the certain standard or the safety equipment prescribed in the two foregoing paragraphs shall be defined by ordinance.

Article 47. (Efficiency Test) The machinery and tools mentioned in paragraph 2 of the foregoing Article must not be operated unless it passes the efficiency test given by the administrative office after the lapse of period specified by ordinance.

The efficiency test of the foregoing paragraph may be trusted to others than the administrative office of the same paragraph whom the competent Minister of labor designates.

Article 48. (Ban on Manufacture of Harmful Products) Yellow phosphorous matches and other harmful

products determined by ordinance must not be manufactured, sold, imported, or kept in possession for the purpose of sale

Article 49 (Restrictions on Dangerous Work) The employer shall not allow an inexperienced worker to clean, oil, examine, or repair the dangerous part of any machinery or transmission apparatus in motion, or to put on or to take off the drivingbelts or ropes of any machinery or transmission apparatus in motion, or to handle the derrick driven by power, or to perform any other dangerous work

The employer shall not allow the worker who has not necessary skill in engaging in a specially dangerous work

The scope of work, experience and skill in the two foregoing paragraphs shall be decided by ordinance

Article 50 (Safety and Sanitation Education) On employing a worker the employer shall equip him with the necessary health and safety education for the operation concerned

Article 51 (Ban and on the Employment of Sick Persons) The employer shall stop the work of workers who have contracted a contagious disease, mental disease, or are taken ill in case the labor aggravates the condition

The kind and degree of the sickness which should be banned by the preceding stipulation shall be determined by ordinance

Article 52 (Physical Examinations) Any employer engaged in a certain enterprise shall give workers physical examinations at the time of employment and also at fixed periods

The worker who does not desire to undergo the diagnosis of the doctor nominated by the employer must undergo the diagnosis of another doctor and submit a document which proves the result of the diagnosis to the employer

Based on the results of the physical examination described in the preceding two paragraphs, the employer shall take necessary measures to preserve the workers' health such as shifting the worker to another job, or shortening his work hours

The kind and scale of the enterprise and the frequency of the physical examination shall be defined by ordinance

Article 53 (Safety Supervisor and Health Supervisor) Any employer engaged in certain enterprise shall appoint a safety supervisor and a health supervisor

The kind and scale of the enterprise and the qualification and duties of the safety supervisor and health supervisor shall be determined by ordinance

The administrative office is authorized to order an increase in the number of, or to discharge the safety and health supervisors when they deem it necessary

Article 54 (Supervisory Administrative Method) When the employer who employs more than ten workers usually, or who employs the workers in hazardous or injurious enterprise defined by ordinance decides to construct, move, or remodel the building, dormitory and other annex and installation, he must make a plan which complies with the standard of safety and health defined by ordinance issued under Article 45 or Article 96 and submit it to the administrative office fourteen days prior to the start of the project

The administrative office is authorized to stop the start of the work or to order to change the project when it recognizes the project as being inferior to the standard of safety and health

Article 55 The administrative office is authorized to order the employer to stop the use of part or the whole of, or to alter the building, dormitory and other annex, installation and material, and to make other necessary changes to prevent accidents if it regards those as violating safety standards

In case of the foregoing paragraph the administrative office is authorized to order the workers necessary matters concerning matters it has ordered the employer

Chapter VI Women and Minor Workers

Article 56 (Minimum Age) Minors under full 16 years of age shall not be employed as workers However, this does not apply to minors who are over full 14 years old and have completed the course of compulsory education prescribed by ordinance or the course equivalent to or higher than that

Regardless of the provision of the preceding paragraph, children above full 12 years old may be employed in certain occupation in enterprises which come under [illegible] permission of administrative office However children under full 12 years old may be employed in motion picture production and dramatic performance enterprise under same condition

Article 57 (Certificate of Minors) The employer shall keep the census register which proves the age of the minors under full 18 years old at the working place

Concerning the children who come under paragraph 2 of the preceding Article, the employer shall keep certificate issued by school-master to prove that the employment does not hinder the schooling of the children, and the document to prove the consent of the parents or the guardian at the working place

Article 58 (Labor Contracts of the Minor) The parent or the guardian shall not make a labor contract in place of the minors

The parent or the guardian and the administrative office are authorized to cancel the contract for the future if they consider it unfair to the minor.

Article 59. The minor has the right to receive wages independently, the parent or the guardian shall not receive as proxy the wage earned by the minor.

Article 60. (Working Hours and Rest Days of Minors) Article 32, paragraph 2, Article 36 and Article 40 shall not apply to minors under full 18 years old.

Concerning the children who come under Article 56, paragraph 2, the working hours of Article 32, paragraph 1, are replaced as seven hours a day, forty-two hours a week, including school hours.

Regardless of the Article 32, paragraph 1, working hours for minors above full 15 years old (including minors above full 14 years old who come under the proviso of Article 56, paragraph 1) and under full 18 years old, may be extended to 10 hours a day, in case the employer reduces the working hour of one day in a week to 4 hours and the total working hours of a week does not exceed 48 hours.

Article 61 (Working Hours and Rest Days of Women) The employer shall not employ women above full 18 years old overtime more than 2 hours a day, 6 hours a week, and 150 hours a year, not employ them on rest days even though the employers reach the agreement under Article 36

Article 62 (Midnight Labor) The employer shall not employ minors under full 18 years or women between the hours of 10 p.m and 5 a m. However this shall not apply when the male over full 16 years of age is employed by rotating shift system

When the competent Minister of labor deems it necessary, he may change the hours of the preceding paragraph from 11 p.m. to 6 a.m specifying the area and the season.

When work is done in rotating shifts, the employer may employ these workers till 10:30 p.m. regardless of the provisions of the 1st paragraph or from 5:30 a.m. regardless of the stipulation of the preceding paragraph under the sanction of the administrative office.

The three foregoing paragraphs shall not apply when the employer extends the working hour by the stipulation of Article 33, and to those enterprises which come under items 6, 7, 13, 14 of Article 8 and to telephone. However, this shall not apply to minors under full 18 years old employed in the enterprise of item 14.

In applying paragraph 1 to children who come under Article 56, paragraph 2, principal clause, the hour of paragraph 1 is replaced as from 8 p.m. to 5 a.m. and in applying paragraph 2 as from 9 p.m. to 6 a.m.

Article 63. (Restrictions on Dangerous and Harmful Jobs) The employer shall not allow minors under full 18 years and women to engage in the dangerous jobs specified in Article 49, nor in jobs which require the conveyance of heavy weight goods specified by ordinance.

The employer shall not employ minors under full 18 years of age in work involving the handling of poisons, powerful drugs or other injurious substances, or explosive, combustible or inflammable goods, or in work in places where dust and powder, or harmful gas and radial rays are generated, in places of high temperatures and pressures, or other places which are dangerous or injurious to the health and welfare of the minor.

The preceding paragraph may be applied by ordinance to women over full 18 years of age who are engaged in certain jobs specified in the same paragraph.

The scope of the work described in paragraph 2 and the scope of application by the preceding paragraph will be decided by the competent Minister.

Article 64. (Ban on Underground Labor) The employer shall not employ minors under full 18 years of age or women in underground labor.

Article 65. (Before and After Childbirth) The employer shall not employ a woman for 6 weeks before childbirth when she requests rest days during that period.

The employer shall not employ women within 6 weeks after childbirth. However, when the woman requests employment after 5 weeks, it is permissible to assign her to a job that doctor pronounces unharmful to her.

When the pregnant woman requires, the employer shall change her to a lighter job.

Article 66. (Nursing Period) When nursing a baby less than one year old the woman may obtain nursing time, twice a day, each thirty minutes during the working hours, besides the recess mentioned in Article 34.

The employer shall not work the woman during the nursing time mentioned in the preceding paragraph.

Article 67. (Menstruation Leave) The employer shall not keep working a woman who suffers heavily from menstruation nor women employed in jobs injurious to menstruation if she requests a menstruation leave.

The scope of the job mentioned in the preceding paragraph will be determined by ordinance.

Article 68. (Fare for Returning Home) The employer shall bear the necessary fare in case minors under full 18 years of age or women wish to return home within 14 days after dismissal. However, this does not apply if minors under full 18 years of age of women were dismissed by reason for which they are responsible and if the employer receives authorization from the administrative office after explaining the grounds for dismissal.

Chapter VII Training of Skilled Laborer.

Article 69 (Expulsion of Evils of the Apprentice) The employer shall not exploit the apprentice, pupil, student or other workers under whatever name he may call them, on the score of the worker purporting to learn the skill

The employer shall not employ the worker who purports to learn the skill in a job which has no relation to learning the skill

Article 70 (Training of the Skilled Laborer) When there is necessity to train a skilled laborer who requires the training for a certain long period in the course of labor, special ordinance will be issued which stipulates matters pertaining to the method of training, the qualification of the employer, period of contract, working hours and wages necessary for the training of the skilled laborer

In case of the foregoing paragraph, the special ordinance may stipulate, concerning the period of contract under Article 14, payment of wages under Article 24, minimum wages under Article 31, and restriction on the employment in dangerous or injurious labor under Article 49 and Article 63, other than the standard of this Law within the limit of necessity

Article 71 The employer who wants to employ a laborer in accord with the preceding Article must fix [illegible] number of the laborers, method of indoctrination, [illegible] of contract, working hours, wage standard, and method of payment, and obtain the permission of the administrative office thereupon

When the employer employs a laborer based upon the permission of the permission of the preceding paragraph, he must report it to the administrative office and receive a certificate of being the worker to learn the skill which he shall have to keep at his working place

Article 72 For the minors who are employed under *the two preceding Articles, 12 working days shall be* given as the annual holidays with pay stipulated in Article 39, paragraph 1

Article 73 When the employers who have employed workers to whom the stipulation of Article 70 and Article 71 apply, lose their qualification or violate the terms of the authorization, the administrative office may cancel the authorization mentioned in the Article 71

Article 74 Special ordinance stipulated in Article 70 shall be defined after consultation with the Committee for the Training of Skilled Laborers

The members of the Committee for the Training of Skilled Laborers shall be appointed in the same number from the representatives of laborers and employers concerned and the representatives of the public by the competent Minister of labor

Matters pertaining to the Committee for the Training of Skilled Laborers other than the stipulation in the two foregoing paragraphs shall be defined by ordinance

Chapter VIII Accident Compensation

Article 75 (Medical Compensation) In case a worker is injured or falls ill because of duty, the employer shall furnish necessary medical treatment, or bear the expenditure for necessary medical treatment

The scope of illness contracted because of duty and the necessary medical treatment as stipulated in the preceding paragraph shall be decided by ordinance

Article 76 (Non-Duty Compensation) For a worker who is unable to work because of the medical treatment [illegible]

wages during the period of the worker's medical treatment

Article 77 (Compensation *for Physical Handicaps*) For a worker who is injured or falls ill because of duty and is physically handicapped when he recovers, the employer must pay handicap compensation according to the extent of the worker's handicap, the amount of which shall be the amount of the average wage multiplied by the number of days fixed in the annex table No. 1

Article 78 (Exceptions to Non-Duty and Physical Handicap Compensations) For a worker who is injured or falls ill because of duty, because of some serious personal fault, the employer is not obligated to pay the non-duty and physical handicap compensation when he receives the approval of the administrative office on the fact

Article 79 (Compensation for Bereaved Families) When a worker dies because of duty the employer shall pay compensation equivalent to 1,000 day's average wage of the worker to the bereaved families or persons who were dependent on the worker's income at the time of worker's death

Article 80 (Expense of Funeral Rites) When a worker dies because of duty the employer shall pay the expense of funeral rites equivalent to 60 days' average wage of the worker to the person handling the funeral rites

Article 81 (Expiry Compensation) In case a worker who receives compensation by Article 75 fails to recover from the injury or illness in three years from the date of his first medical treatment, the employer may discontinue the compensation prescribed in this Law after paying an expiry compensation equivalent to 1,200 days' average wage of the worker

Article 82 (Compensation Payable in [illegible] Plan) In case the employer gets the [illegible]

ient of the compensation after proving an ability to meet payments, he can make annual payments every year for a period of 6 years of an amount of the average wage multiplied by the number of the days fixed in the attached table No. 2, instead of the compensation stipulated in Article 77 and Article 79.

Article 83. (Compensation Rights) Compensation rights shall not be changed by the laborer's resignation.

Compensation right shall not be transferred or forfeited.

Article 84. (Relation to Other Laws) The employer is exempted from compensation obligation when he receives for the same accident benefit corresponding to the compensation of this Law from the workman's Accident Compensation Insurance Law as far as the sum of benefit is concerned, or when he is elegible for compensation for the same accident corresponding to the compensation of this Law based on other laws or ordinances designated by ordinance.

When the employer pays compensation of this Law he is exempted within the limit of the amount from the damage indemnity under the Civil Code.

Article 85. (Investigation and Arbitration) Persons who have objections concerning the recognition of the injury, illness, or death on duty, the method of medical treatment, the amount of compensation or other matters pertaining to the compensation may require the investigation and arbitration thereabout of the administrative office.

When the administrative office deems it necessary, it may investigate or arbitrate in the case by the authority.

The adminstrative office is authorized to require a medical examination or autopsy when the office deems it necessary for the investigation or the arbitration.

The requirement of investigation and arbitration under paragraph 1 and the beginning of investigation and arbitration under paragraph 2 are deemed as request in the judicial court, concerning the interruption of prescription.

Article 86. (Appeal Board of Workmen's Accident Compensation) Those who are not satisfied with the result of the investigation and arbitration under the preceding Article can require the investigation and arbitration of the Appeal Board of Workmen's Accident Compensation.

Those who wish to suit civil action concerning the matters pertaining to the compensation under this Law must go through the investigation and arbitration of the Appeal Board of Workmen's Accident Compensation.

The members of the Appeal Board of Workmen's Accident Compensation shall be appointed in the same number from the representatives of laborers and employers and the representatives of the public by the Administrative Office.

Matters pertaining to Appeal Board of Workmen's Accident Compensation other than those stipulated in the three foregoing paragraphs will be stipulated by ordinance.

Article 87. (Exception of Contracting Enterprise) When the enterprise is carried on under several times contracts, the original contractor is deemed as employer as far as accident compensation is concerned.

In the case of the foregoing paragraph, if the original contractor makes a contract in writing that the subordinate contractor should be responsible for compensation, the subordinate contractor is also deemed as employer. However, the original contractor shall not make more than one contract concerning the same enterprise that the subordinate contractor should be responsible for compensation.

In the case of the preceding paragraph, when required for compensation the original contractor may ask the worker to require the payment from the subordinate contractor first. However, this shall not apply in case the subordinate contractor becomes bankrupt or disappears.

Article 88. (Details on Compensation) Details concerning compensation payment other than those described in this Chapter shall be decided by ordinance.

Chapter IX. Rule of Employment.

Article 89. (Responsibility of Drawing Up and Submitting the Rule of Employment) Employers who employ more than ten workers continuously shall draw up Rule of Employment on the following items and submit it to the adminstrative office. This is the same when he alters the Rule of Employment.

1. The time to begin and end the work, recess, holidays, vacations, and matters pertaining to the change of the shift when the workers are employed in two or more shifts.

2. The method of decision, computation and payment of wages, date of closing the account and payment of wages, and matters pertaining to the promotion in wages.

3. Matters pertaining to retirement.

4. When there is stipulation concerning retirement allowance and other allowance, bonus, minimum wage, matters pertaining to such items.

5. When there is stipulation to make the workers bear the cost of food, working equipment and other expense, matters pertaining to such times.

6. When there is regulation concerning safety and sanitation, matters pertaining to the regulation.

7. When there is regulation concerning accident compensation, and relief for injury and illness suffered not from duty, matters pertaining to the regulation.

8. When there is stipulation concerning official

commendation and sanctions, matters pertaining to the kinds and degree of them

9 When there is other stipulation which is applicable to all workers, matters pertaining to such regulation

When the employer deems it necessary, he may separate the regulation concerning wages, safety and sanitation, and accident compensation and relief for injury and illness suffered not from duty and make respective rules of them

Article 90 (Procedures of making Rule of Employment) In making Rule of Employment, the employer shall ask the opinion of the trade union which is composed of the majority of the workers when there is one at the working place concerned and not a person representing the majority of the workers

The employer must attach a document to prove the opinions mentioned in the preceding paragraph to the Rule of Employment when he submits it in accordance with paragraph 1 of the preceding Article

Article 91 (Restrictions on Sanctions) When decrease of wage is to be stipulated as sanctions in the Rule of Employment the amount of decrease shall not exceed half of one day's average wage for a single violation and shall not exceed ten per cent of the total wages for all violations during a payment period

Article 92 (Relation with Laws and Ordinances or Labor Agreement) The Rule of Employment must not infringe on any law and ordinance or on Labor Agreement applicable to the working place

The administrative office is authorized to order changes in the Rule of Employment if it is not in accord with laws and ordinances or Labor Agreement

Article 93 (Validity) Labor contract which stipulates conditions inferior to the standard fixed in the Rule of Employment are invalid as far as such conditions are concerned In this case conditions which became invalid are replaced by the standard fixed in the Rule of Employment

Chapter X Dormitory

Article 94 (Autonomy of the Dormitory Life) The employer shall not infringe on the freedom of the private life of the workers in dormitory attached to the enterprise.

The employer shall not interfere in the selection of the dormitory leader, room leader, and other leaders necessary for the autonomy of the dormitory life

Article 95 (Order of the Dormitory Life) The employer shall make a Rule of Dormitory attached to the working place covering the following items and submit it to administrative office This is the same when he alters the Rule of Dormitory

1. Matters pertaining to arising, retiring, leaving the premises, and staying out overnight

2 Matters concerning daily functions

3 Matters concerning meals

4 Matters related to safety and health

5 Matters concerning the management of buildings and equipment

The employer must obtain the consent of the representative of the majority of the workers living in the dormitory concerning the matters which come under items 1 to 4 of the preceding paragraph

The employer shall attach a document to prove the abovementioned consent when he submits it in accord with paragraph 1

The employer and the workers who live in the dormitory must abide by the Rule of Dormitory

Article 96 (Equipment, Safety and Sanitation of the Dormitory) Concerning the dormitory attached to enterprise, the employer must take necessary means for ventilation, lighting, heating, damp-proof, cleanliness, emergency, escape, maximum accommodations, sleeping facilities, and other things necessary for the prevention of accident, good morale and sanitation

The standard of means to be taken by the employer in accordance with the preceding paragraph will be stipulated by ordinance

Chapter XI Inspection Organization

Article 97 (*Inspection Organization*) *For the en*forcement of this Law, Labor Standard Bureau in the competent Ministry of labor, Labor Standard Office in each prefecture and Labor Standard Inspection Office within the scope of prefecture shall be established

When the competent Minister of labor deems it necessary, Regional Labor Office may be established which supervises several prefectural Labor Standard Offices

Regional Labor Office, Prefectural Labor Standard Office, and Labor Standard Inspection Office shall be under the direct control and supervision of the competent Minister of labor

The number of officials of Labor Standard Bureau, the location, name, administrative scope, and the number of *officials of Regional Labor Office, Prefectural Labor* Standard Office, and Labor Standard Inspection Office shall be defined by ordinance

Article 98. Committee of Labor Standard shall be established in the competent Ministry of labor and in the Prefectural Labor Standard Office to investigate matters pertaining in the enforcement and improvement of this Law

Committee of Labor Standard can recommend administrative offices concerned on labor standard of its own will even when it is not consulted by the competent Ministry of Labor or by the Prefectural Labor Standard Office.

The members of Committee of Labor Standard shall

be appointed in same number from the representatives of both laborer and employer and the public by the administrative office.

Necessary matters except the three preceding paragraphs pertaining to Committee of Labor Standard shall be defined by ordinance.

Article 99. Labor standard inspectors and other necessary officials defined by ordinance shall be installed in Labor Standard Bureau, Regional Labor Offices, Prefectural Labor Standard Office, and in the Labor Standard Inspection Offices.

Chiefs of Labor Standard Bureau, Regional Labor Office, Prefectural Labor Standard Office, and Chiefs of Labor Standard Inspection Offices shall be appointed from among the inspectors.

Matters pertaining to the qualification, appointment and dismissal of Labor Standard Inspector, shall be stipulated by ordinance

In order to dismiss Labor Standard inspector, the competent Minister must obtain the concurrence of the Limitation Committee for Labor Standard Inspectors which shall be established by ordinance.

Article 100. Chief of the Labor Standard Bureau under the supervision of competent Minister of labor will direct and supervise the Chief of Regional Labor Bureau and the Chief of Prefectural Labor Standard Office, and administer matters concerning the establishment or revision of the laws and ordinances concerning labor standard, appointment, dismissal and training of labor standard inspectors, establishment and coordination of the method of inspection, compilation of inspection year book, matters pertaining to Committee of Labor Standard, Committee for the Training of Skilled Laborer, Limitation Committee for Labor Standard Inspectors and Central Wage Board, and other matters pertaining to the enforcement of this Law, and direct and supervise officials who belong to the Bureau.

Chief of the Regional Labor Office, under the direction and supervision of the Chief of the Labor Standard Bureau, direct and supervise the Chiefs of Prefectural Labor Standard Offices within the scope of the supervision and supervises matters pertaining to the coordination of the method of inspection and direct and supervise officials who belong to the office.

Chief of Prefectural Labor Standard Office under the direction and supervision of the Chief of Labor Standard Bureau, or the Chief of Regional Labor Office administer the direction and supervision of Chiefs of Labor Standard Inspection Offices within his scope, matters pertaining to the coordination of methods of inspection, matters pertaining to Committee of Labor Standard, Appeal Board of Workmen's Accident Compensation and Local Wage Board and other matters pertaining to the enforcement of this Law, and direct and supervise officials who belong to the Office.

Chief of the Labor Standard Inspection Office shall, under the direction and supervision of the Chief of Prefectural Labor Standard Office, administer inspection, inquiry, approval, authorization, sanction, investigation, arbitration and other administrations based on this Law, and direct and supervise the officials who belong to the office.

Chief of Labor Standard Bureau, Chief of Regional Labor Office or Chief of Prefectural Labor Standard Offices have the right to enforce the right which belongs to the chief of subordinate offices by themselves, or let the Labor Standard Inspector who belongs to them enforce it.

Article 101. (Authority of the Labor Standard Inspectors) The Labor Standard Inspector is authorized to inspect working places, dormitories and other attached buildings, and examine records and documents, and question the employer or the workers.

The Labor Standard Inspector who is a doctor is authorized to make a medical examination of the worker who seems to be afflicted with disease which obliges the employer to ban the job of the worker.

The labor standard inspector may collect without cost such amount of samples or ingredients of the manufactures or materials as necessary for the examination of injurious matter

Article 102. In regard to violation of this Law, the Labor Standard Inspector is authorized to exercise the powers of a judicial police officer according to the Criminal Procedure Law.

Article 103. When the establishment, dormitory and other annex in which the workers are working, or the equipment or materials are below the standards of safety and health and when there are imminent threats to the safety and health of the workers, the Labor Standard Inspector can immediately exercise the authority vested in the administrative office under Article 55.

Article 104 (Report to the Inspection Organization) In case there is a fact inferior to the standard of this Law, at the working place, laborers may report to the administrative office or to the Labor Standard Inspector to that effect.

The employer shall not dismiss or discriminate against the workers who reported the fact according to the preceding paragraph by reason of doing so.

Article 105. (Responsibilities of the Labor Standard Inspector) The Labor Standard Inspector must not reveal any secret he learns in the course of his duty. This applies even after the inspector resigns from his position.

Chapter XII. Miscellaneous Regulations.

Article 106. (Dissemination of Laws and Regulations) The employer shall inform the workers of the gist of this Law and ordinances based on this Law, and the rule of employment, by displaying or posting them in

conspicuous places throughout the working place and by other means

The employer shall inform the workers living in the dormitory of the provisions concerning dormitory of this Law and ordinances based on them and the rule of dormitory, by displaying or posting them in conspicuous places in the dormitory and by other means

Article 107 (Workers' Roster) The employer shall prepare a workers' roster for each worker (except daily worker) at each working place and must enter the worker's name, date of birth, personal history, and other matters as prescribed by ordinance

When there is any change in the matters to be entered by the stipulation of the preceding paragraph, the employer must revise it without delay

Article 108 (Wage Ledger) The employer shall prepare a wage ledger at each working place and must enter the basic facts for the calculation of wages, the amount of wages, and other matters prescribed by ordinance at each payment without delay

Article 109 (Preservation of Records) The employer shall keep the roster of workers, wage ledgers and important records of employment, dismissal, accident compensations, wages and other important matters concerning labor relations for a period of three years

Article 110 (Reporting) When required by the administrative office or by the Labor Standard Inspector concerning the execution of this Law, the employer or the worker must report or appear without delay

Article 111 (Free Proof of the Census Registers) Workers or worker aspirants may obtain proof of their census register from registration officials or their alternates free of cost The same applies when the employer wishes to obtain a proof of the census register of workers or worker aspirants

Article 112 (Applications to Government and Public Organizations) This Law and ordinances based upon this Law are defined to apply to government, prefectures, cities, towns, villages, and other corresponding bodies

Article 113 (Enactment of Ordinance) Ordinances based upon this Law shall be enacted after listening to the opinion of the representatives of both labor and employer and the public on the draft of them at the public hearing meeting

Article 114 (Additional Payment) The law court is authorized by the request of the worker to order the employer who violated the stipulation of Article 20, Article 26, Article 31, or Article 37, or the employer who did not pay the average wage stipulated in Article 39, paragraph 3, to pay the same amount of additional payment in addition to the unpaid money which the employer should have paid under these Articles

Article 115 (Prescription) Wages, accident compensation, and other claims based on the stipulation of this Law shall become extinctive by prescription if it is not executed for two years

Article 116 (Seamen) This Law shall not apply to seamen under Seamen s Act except Article 1 to Article 11 inclusive, Article 117 to Article 119 inclusive, and Article 120

Chapter XIII Penalty

Article 117 Any person who violated the stipulation of Article 5 shall be punished with a penal servitude not less than 1 year and not exceeding ten years, or with a fine not less than 2,000 yen and not exceeding 30,000 yen

Article 118 Any person who violated the stipulation of Article 6, Article 48, Article 56, or Article 64 shall be punished with a penal servitude not exceeding one year or with a fine not exceeding 10,000 yen

Article 119 Any person who corresponds to one of the following items shall be punished with a penal servitude not exceeding 6 months or with a fine not exceeding 5,000 yen

1 Person who violated the stipulation of Article 3, Article 4, Article 7, Article 16, Article 17, Article 18, paragraph 1, Article 19, Article 20, Article 22, paragraph 3, Article 31, Article 32, Article 34, Article 35, Article 36, proviso clause, Articles 37, 39, 42, 43, 46, 47, paragraph 1, Articles 49, 51, 60, paragraph 2 or paragraph 3, Article 61 to Article 63 inclusive, Articles 65, 66, 72, 75, to Article 77 inclucive, Articles 79, 80, 94, paragraph 2, Article 96 or Article 104, paragraph 2

2 Person who violated the order under Article 33, paragraph 2, Article 54, paragraph 2 or Article 55, paragraph 1

3 Person who violated the stipulation of ordinance issued under Article 40

4 Person who violated the number of workers, method of indoctrination, period of contract, working hours, wage standard or method of payment, permitted under Article 71, paragraph 1

Article 120 Person who corresponds to one of the following items shall be punished with fine not exceeding 5,000 yen

1 Any person who violated the stipulation of Article 14, Article 15, paragraph 1 or paragraph 3, Article 22, paragraph 1 or paragraph 2, Articles 23 to 27 inclusive, Article 33, paragraph 1 proviso clause, Articles 44, 50, 52, paragraph 1 or paragraph 2, Article 53, paragraph 1, Article 54, paragraph 1, Articles 57 to 59 inclusive, Articles 67, 68, 71, paragraph 2, Articles 89, 90, paragraph 1, Articles 91, 95, paragraph 1 or paragraph 2, or Article 105 to Article 109 inclusive

2 Person who violated the method of keeping and releasing sanctioned under Article 18, paragraph 2

3 Person who violated the order under Article 53, paragraph 3, Article 35, paragraph 2, or Article 92, paragraph 2

4. Person who refused, impeded, or evaded the in-

spection, medical examination, or collection of sample by the Labor Standard Inspector based on the stipulation of Article 101, or person who refused to reply or made mendacious reply to the inquiry of Labor Standard Inspector, or person who did not offer records and document or who submitted mendacious record, document to the Labor Standard Inspector.

5. Person who did not report or submitted mendacious report, or did not appear when required by the adminstrative office or by the Labor Standard Inspector based on Article 110.

Article 121. In case a person who perpetrated the violation of this Law is a deputy hired person or other employee who acts on behalf of the owner of the enterprise, in matters concerning the workers of the enterprise, the owner of the enterprise shall be also fined by the stipulation in each Article in addition to the pe[illegible] However, in case, the owner of the enterprise [illegible] owner is a corporation, its representatives, [illegible] owner is a minor who is not given equal right a[illegible] concerning the enterprise, or a person adjudg[illegible] competent, the legal representatives of them, a[illegible] as the owner of the enterprise. This term is u[illegible] same meaning hereafter in this Article) took [illegible] measure to prevent the violation, the owner sha[illegible] fined by the stipulation of each Article.

The owner of the enterprise who has known [illegible] of violation and has not taken necessary measure[illegible] vent the violation, or who has known the viola[illegible] has not taken necessary measures to correct the v[illegible] or who instigated the violation shall be subject [illegible] ishment as the perpetrator.

Supplementary Provisions:

Article 122. The date for the enforcement of this Law shall be fixed by Imperial Ordinance.

Article 123. Factory Law, Minimum Age for Industrial Employment Law, Workmen's Accident Relief Law, Shop Law, Prohibition Laws of Yellow Phosphorus, Match Manufacturing, and No. 87 Laws of 1939, are abolished.

Article 124. Mining Law is revised as follows: Article 71 item 2, Article 75 to Article 80-4 inclusive and Article 97, item 3 and item 4 are abolished.

Article 125. Sand Mining Law is revised as follows: Articles 76 to 79 inclusive in Article 23, paragraph 1, and paragraph 2 of the same Article are abolished.

Article 126. Trade Union Law is revised as follows: Article 32 is abolished.

Article 127. The stipulations of Article 18, paragraph 2, Article 49, Article 57, Article 60, Article 63 inclusive, Article 89, Article 95, Articles 106 to 108 inclusive shall not apply for six months after the date of the enforcement of this Law.

Concerning those matters which have been prohibited or restricted by the old laws and which correspond to the provisions of the preceding paragraph the stipulations of the old laws still hold good for that period.

Article 128. In case the employer who employs children above full 12 years old at the time of enforcement of this Law, employs those children continuously, the stipulation of Article 56 shall not apply to the person, for six months after the date of the enforcement of this Law.

In case the employer who employs men above full 16 years old at the time of enforcement of this Law employs them continuously, the stipulation of Article 64 shall not apply to the persons for one year after the date of the enforcement of this Law.

Article 129. Concerning the accident compensation for the injury, illness, or death because of duty which occurred before the date of enforcement of this Law, the stipulation of relief in the old laws still hold good.

Article 130. Concerning the application of p[illegible] the act perpetrated before the enforcement of th[illegible] the old Acts still hold good.

Attached Table No. 1
Chart of Compensation for Damages and [illegible] Classification of Physical Handicaps

Classification	C[illegible]
1	1,[illegible]
2	1[illegible]
3	1,[illegible]
4	[illegible]
5	[illegible]
6	[illegible]
7	[illegible]
8	[illegible]
9	[illegible]
10	[illegible]
11	[illegible]
12	[illegible]
13	[illegible]
14	[illegible]

Attached Table No. 2
Chart of Payments for Compensation for Dam[illegible]

Classification compensation for injury	C[illegible]
1	[illegible]
2	[illegible]
3	[illegible]
4	[illegible]
5	[illegible]
6	[illegible]
7	[illegible]
8	[illegible]
9	[illegible]
10	[illegible]
11	[illegible]
12	[illegible]
13	[illegible]
14	[illegible]
Compensation for bereaved family	[illegible]

THE COURT ORGANIZATION LAW
(Law No. 59, April 16, 1947)

Contents

Book I General Provisions

Article 1 (Object of this Statute) The Supreme Court and the inferior courts prescribed in the Constitution of Japan shall be determined by this statute.

Article 2 (Inferior Courts) The inferior courts shall consist of High Courts, District Courts, and Summary Courts.

The establishment, abolition and territorial jurisdiction of inferior courts shall be provided elsewhere by statute.

Article 3 (Jurisdiction of Courts) Courts shall, except as expressly provided in the Constitution of Japan, decide all legal disputes and shall possess such other powers as are specifically provided by statute.

The provisions of the previous paragraph shall in no way prevent preliminary determinations by executive agencies.

The provisions of this Law shall in no way prevent the establishment by other statutes of a jury system for criminal cases.

Article 4 (Binding Power of Decisions) A conclusion in a decision of a Superior Court shall bind courts below in respect to the case concerned.

Article 5 (Judges) The judges of the Supreme Court shall be a Chief Judge who is called the president of the Supreme Court and other judges who are called the judges of the Supreme Court.

The judges of inferior courts shall be a chief judge of a High Court who is called the President of a High Court and other judges who are called Judges, Assistant Judges and Judges of the Summary Court.

The number of the Judges of the Supreme Court shall be fourteen. The number of the Judges of Inferior Courts shall be fixed elsewhere by statute.

Book II Supreme Court

Article 6 (Location) The Supreme Court shall be located in the metropolis of Tokyo.

Article 7 (Jurisdiction) The Supreme Court shall have jurisdiction over the following matters:

1. Jokoku (appeal),
2. Kokoku (complaint) prescribed in codes or procedure.

Article 8 (Other powers) The Supreme Court shall have powers specially provided by other statutes in addition to those prescribed in this statute.

Article 9 (Grand Bench and Petty Benches) The Supreme Court shall conduct hearing and render decisions through a Grand Bench and a Petty Bench.

[illegible] three or more judges.

One of the judges of each of the various collegiate bodies shall be the presiding judge.

The various collegiate bodies may conduct hearings and render decisions if there are present the number of judges determined by the Supreme Court.

Article 10 (Examinations of the Grand Bench and

Petty Benches). Regulations of the Supreme Court shall determine which cases are to be handled by the Grand Bench and which by Petty Benches. However, in the following instances, a Petty Bench cannot render a decision:

1. Cases in which a determination is made of the Constitutionality of a statute, ordinance, regulation or disposition, as a result of the contention of a litigant;

2. Cases other than those mentioned in the previous item when the unconstitutionality of a statute, ordinance, regulation or disposition is recognized;

3. Cases in which an opinion concerning the interpretation and application of the Constitution or of any other law or ordinances is contrary to that of a decision previously rendered by the Supreme Court.

Article 11. (Expression of Opinions of Judges). The opinion of every judge must be expressed in written decisions.

Article 12. (Judicial Administrative Affairs). In its conduct of judicial administrative affairs, the Supreme Court shall act through the deliberations of the Judicial Assembly and under the general supervision of the President of the Supreme Court.

The Judicial Assembly shall consist of all judges and the President of the Supreme Court shall preside over it.

Article 13. (Secretariat). The Supreme Court shall have a Secretariat, which shall administer the miscellaneous affairs of the Supreme Court.

Article 14. (Judicial Research and Training Institute). A Judicial Research and Training Institute shall be established in the Supreme Court in order to manage affairs relating to the research and training of judges and other court officials and to the education of judicial apprentices.

Book III. Inferior Court

Chapter I. High Court

Article 15 (Organization). A High Court shall consist of a President and proper number of Judges.

Article 16. (Jurisdiction). A High Court shall have jurisdiction over the following matters:

1. Koso appeals from judgments in the first instance rendered by District Courts;

2. Kokoku complaints against rulings and orders rendered by District Courts, except those prescribed in Article 7, Item 2.

3. Jokoku appeals from judgments in the second instance rendered by District Courts or from judgments in the first instance rendered by Summary Courts;

4. Actions in the first instance relating to any of the offenses mentioned in Articles 77 to 79 inclusive of the Criminal Code.

Article 17. (Other Powers). A High Court shall have, in addition to those prescribed in this statute, such powers as are specially provided by other statutes.

Article 18. (Collegiate Court System). A High Court shall handle cases through a collegiate court of judges. However, matters other than those which are to be heard and decided in court, shall be handled in accordance with other Articles as elsewhere provided by statute.

The number of judges of a collegiate court mentioned in the preceding paragraph shall be three, one of whom shall be a Presiding Judge. However, the number of judges shall be five in those cases mentioned in item 4 of Article 16.

Article 19. (Substitution of Judges). A High Court may, when there is urgent necessity for the conduct of trial proceedings, cause a Judge of a District Court within the area over which the said High Court has jurisdiction to serve as a Judge of a High Court.

Article 20. (Judicial Administrative Affairs). In its conduct of judicial administrative affairs, a High Court shall act through the deliberations of the Judicial Assembly, under the general supervision of the President of the High Court.

The Judicial Assembly of a High Court shall consist of all judges and the President of the High Court shall preside over it.

Article 21. (Secretariat). A High Court shall have a Secretariat which shall administer the miscellaneous affairs of the Court.

Article 22. (Branches). The Supreme Court may establish branches of a High Court within the area over which the High Court has jurisdiction, and cause them to perform a part of functions of the High Court.

The Supreme Court shall designate judges who shall serve at branches of a High Court.

Chapter II. District Court

Article 23. (Organization). A District Court shall consist of a proper number of Judges and Assistant Judges.

Article 24. (Jurisdiction). A District Court shall have jurisdiction over the following matters:

1. Actions in the first instance, except those of offenses mentioned in item 4 of Article 16, claims mentioned in item 1 of paragraph 1 of Article 33, and offenses liable to fine or lesser punishment;

2. Koso appeals from judgments rendered by Summary Courts;

3. Complaints against rulings and order rendered by

Summary Courts except those mentioned in item 2 of Article 7

Article 25 (Other Power) A District Court shall have in addition to those prescribed in this statute, such powers as are specially provided by other statutes and all powers over matters which are determined elsewhere by statute to belong to courts but are not given to other courts

Article 26 (Single Judge and Collegiate Court Systems) A District Court shall, except in the cases prescribed in the second paragraph, handle cases through a single judge

The following cases shall be handled by a collegiate court of judges However, matters other than those which are to be heard and decided in court shall be handled in accordance with other Articles elsewhere provided by statute

1 Cases in which a collegiate court has made a ruling to the effect that it will conduct hearing and render decisions by itself,

2 Cases regarding offenses liable to capital punishment, imprisonment with or without hard labour for life or for not less than one year (except offenses or criminal attempts mentioned in Articles 236, 238 and 239 of the Criminal Code and offenses mentioned in Articles 2 and 3 of the Law No 9 of the fifth year of Showa 1930),

3 Cases of Koso appeals from the judgments rendered by Summary Courts or complaints against the rulings and orders of Summary Courts,

4 Other cases which as elsewhere provided by statute are to be heard and decided through a collegiate court

The number of judges of a collegiate court mentioned in the preceding paragraph shall be three, one of whom shall be the Presiding Judge

Article 27 (Limitations on the Authority of Assistant Judges) Assistant Judges cannot render decision independently unless specially prescribed elsewhere by statute

Two or more Assistant Judges cannot participate in a single collegiate court Any Assistant Judge cannot be a Presiding Judge

Article 28 (Substitution of Judges) A High Court may, when there is urgent necessity for the conduct of trial proceedings in a District Court within the area over which the said High Court has jurisdiction, cause a judge of another District Court within the said area to serve as a judge of the said District Court

Article 29 (Judicial Administrative Affairs) The Supreme Court shall designate one of the Judges of each District Court as the President of the Court

In its conduct of judicial administrative affairs, a District Court shall act through the deliberation of the Judicial Assembly, under the general supervision of the President of the District Court

The Judicial Assembly of a District Court shall consist of all Judges and the President of the District Court shall preside over it

Article 30 (Secretariat) A District Court shall have a Secretariat which shall administer the miscellaneous affairs of the court

Article 31 (Branches and Local Offices) The Supreme Court may establish branches and local offices of a District Court within the area over which the said District Court has jurisdiction and cause them to perform a part of functions of the District Court

The Supreme Court shall designate judges who shall serve at branches of a District Court

Chapter III Summary Court

Article 32 (Judges) A Summary Court shall have a proper number of Judges of the Summary Court

Article 33 (Jurisdiction) A Summary Court shall have jurisdiction in the first instance over the following matters

1 Claims where the value of the subject-matter of the action does not exceed five thousand yen (excluding claims for cancellation or change of administrative dispositions),

2 Actions which relate to offenses liable to fine or lighter penalty, offenses liable to a fine as an optional penalty, or offenses or criminal attempts mentioned in Article 235 of the Criminal Code

A Summary Court cannot impose imprisonment (without hard labor) or a graver penalty But it can impose imprisonment with hard labor not exceeding three years with respect to cases of offenses or criminal attempts mentioned in Article 235 of the Criminal Code or with respect to cases in which the above-mentioned offenses and other offenses should be punished, in accordance with the provisions of Article 54, paragraph 1 of the Criminal Code, with penalties to be imposed upon the above-mentioned offenses

When a Summary Court deems it proper to impose a penalty exceeding the limits prescribed in the preceding paragraph, it must transfer the case to a District Court in accordance with the provisions of procedural codes

Article 34 (Other Powers) A Summary Court shall have, in addition to those prescribed in this statute, such powers as are specially provided by other statutes

Article 35 (Single Judge System) A Summary Court shall handle cases through a single judge

Article 36 (Substitution of Judges) A District Court may, when there is urgent necessity for the conduct of trial proceedings in a Summary Court within the area over which the District Court has jurisdiction, cause a

judge of another Summary Court within the said area or judge of the District Court to serve as a judge of the said Summary Court.

Article 37. (Judicial Administrative Affairs). The judicial administrative affairs of a Summary Court, at times when the Summary Court consists of a single judge, shall be administered by the said judge, and when there are two or more judges, by one of them designated by the Supreme Court.

Article 38. (Transfer of Duties). A District Court may, if special circumstances make impossible the performance of duties by a Summary Court situated within the area over which the District Court has jurisdiction, cause another Summary Court within the said area to perform the whole or a part of such duties.

Book IV. Court Officials and Judicial Apprentice

Chapter I. Judges

Article 39. (Appointment and Dismissal of Judges of the Supreme Court). The Emperor shall appoint the Chief Justice of the Supreme Court as designated by the Cabinet.

Justices of the Supreme Court shall be appointed by the Cabinet.

The Emperor shall attest the appointment and dismissal of Judges of the Supreme Court.

The appointment of the Chief Justice of the Supreme Court and of judges of the Supreme Court shall be reviewed by the people in accordance with statutes which provide for popular review.

Article 40. (Appointment and Dismissal of Judges of Inferior Courts). The Cabinet shall appoint Presidents of High Courts, Judges, Assistant Judges, and Judges of Summary Courts from a list of persons nominated by the Supreme Court.

The Emperor shall attest the appointment and dismissal of Presidents of High Courts.

Judges mentioned in the first paragraph shall, ten years after their appointment to office, be regarded as having completed their terms of office and may be reappointed.

Article 41. (Qualifications for Appointment of Judges of the Supreme Court). Judges of the Supreme Court shall be appointed from among persons of broad vision and extensive knowledge of law, who are not less than forty years of age. At least ten of them must be persons who have held one or two of the positions mentioned in item 1 or 2 for not less than ten years, or one or more of the positions mentioned in the following items for the total period of twenty years or more:

1. President of the High Court;
2. Judges;
3. Judges of the Summary Court;
4. Public Procurators;
5. Lawyers;
6. Professors or assistant professors in legal science in universities which shall be determined elsewhere by statute.

In the application of the provisions of the preceding paragraph, if positions such as those of Assistant Judge, Research Official of a court, Secretary General of the Supreme Court, Secretary of a court, Teacher of the Judicial Research and Training Institute, each Assistant to the Attorney General, Secretary General of the Attorney General's Office, Secretary of the Attorney General's Office, Instructor of the Attorney General's Office or Juvenile Court Judge have also been held by persons who have held one or two of the positions mentioned in items 1 and 2 of the preceding paragraph for at least five years, or by persons who have held, for not less than ten years, one or more of the positions mentioned in items 1 to 6 of the preceding paragraph, such positions shall be deemed to be those mentioned in items 3 to 6 inclusive of the said paragraph.

In the application of the provisions of the two preceding paragraphs, the period of service in the positions enumerated in items 3 to 5 inclusive of the first paragraph and in the preceding paragraph, shall be computed as from the time when study as a judicial apprentice has been finished.

In a case when a person has, for three years or more, held a position as Professor or Assistant Professor of legal science in a university mentioned in item 6 of the first paragraph, and also has held a position as Judge of the Summary Court, Public Procurator (an Assistant Procurator is excluded) or lawyer, the provisions of the preceding paragraph shall not apply to the period of service in such position.

Article 42. (Qualifications for Appointment of Presidents and Judges of High Courts). Presidents and Judges of High Courts shall be appointed from among those who have for ten years or longer, held one or more of the following positions:

1. Assistant Judges;
2. Judges of the Summary Court;
3. Public Procurators;
4. Lawyers;
5. Research Officials of a court, Teachers of the Judicial Research and Training Institute, or Juvenile Court Judges;
6. Professors or Assistant Professors of legal science in universities mentioned in paragraph 1, item 6 of the preceding Article.

In the application of the provisions of the previous paragraph, persons who have for more than three years held one or more of the occupations mentioned in said

paragraph and who also have held positions as secretaries of a court, secretaries of the Attorney General's Office or instructors of the Attorney General's Office shall be regarded as having held the offices enumerated in the various items of the previous paragraph

In the application of the provisions of the preceding two paragraphs, the period of service in the positions enumerated in items 2 to 5 inclusive of paragraph 1, and in the previous paragraph shall be computed as from the time when study as a judicial apprentice has been finished

In cases when a person has, for three years or more, held a position as Professor or Assistant Professor of legal science at a university mentioned in item 6 of paragraph 1 of the preceding Article and afterward served as a Judge of a Summary Court, Public Procurator (an Assistant Public Procurator is excluded) or lawyer, the provisions of the preceding paragraph shall not apply to this (latter) period of service The same shall also be the case in respect to a person who has been appointed as a Judge of a Summary Court or a Public Procurator without having successfully completed the training of a judicial apprentice, and who later passes the examination mentioned in Article 66 and thenceforth serves as a Judge of a Summary Court, Public Procurator (an Assistant Public Procurator is excepted) or lawyer

Article 43 (Qualification for Appointment of Assistant Judges) Assistant Judges shall be appointed from among those who have finished study as judicial apprentices

Article 44 (Qualification for Appointment of Judges of the Summary Court) Judges of the Summary Court shall be appointed from among those who have been the Presidents or Judges of High Courts or who have held one or more of the positions mentioned in the following items for the total period of three years or more

1 Assistant Judges,

2 Public Procurators,

3 Lawyers,

4 Research Officials of a court, Secretaries of a court, Teachers of the Judicial Research and Training Institute, Secretaries of the Attorney General's Office, Instructors of the Attorney General s Office and Juvenile Court Judges,

5 Professors or Assistant Professors of legal science in the universities mentioned in Article 43, paragraph 1, item 6

In the application of the provisions of the preceding paragraph, the period of service in the positions enumerated in items 2 to 4 inclusive of the said paragraph shall be computed as from the time when study as a judicial apprentice has been finished

In cases when a person has been appointed as a public Procurator without having successfully completed the training of a judicial apprentice, and who later passes the examination mentioned in Article 66 and thenceforth serves as a Public Procurator (an Assistant Procurator is excepted) or lawyer, the provisions of the preceding paragraph shall not apply to this (latter) period of service

Article 45 (Selection and appointment of Judges of the Summary Court) Persons who have been engaged in judicial business for many years and who possess the knowledge and experience necessary for performing the duties of a Judge of a Summary Court may, even if they do not fall within the purview of the persons prescribed in the first paragraph of the preceding Article, be appointed Judges of the Summary Court through selection by the Selection Committee for Judges of the Summary Court

Rules and regulations relating to this Committee shall be fixed by the Supreme Court

Article 46 (Grounds for Incompetency for Appointment) In addition to those persons who are incompetent to be appointed ordinary government officials according to other statute, no person falling under one of the following categories shall be appointed judge

1 A person who has been punished with imprisonment (without hard labor) or a graver penalty,

2 A person whose dismissal from Office has been decreed by an impeachment court

Article 47 (Assignment to Position) Judges of Inferior Courts shall be assigned to positions by the Supreme Court

Article 48 (Guarantee of Status) A judge shall not, against his will, be dismissed, or be removed to any other official position, or be transferred from one court to another, or be suspended from exercising his judicial function, or have his salary reduced, except in accordance with the provisions of statute relating to public impeachment or national review, or unless, in accordance with provisions made elsewhere by statute, he is declared mentally or physically incompetent to perform official duties

Article 49 (Disciplinary Punishments) When a judge has swerved from his duty, neglected his duty or degraded himself, he shall be subjected to disciplinary punishment by decisions as provided elsewhere by statute

Article 50 (Age of Retirement) Judges of the Supreme Court shall retire upon the attainment of seventy years of age, judges of High Courts or District Courts shall retire upon the attainment of sixty-five years of age and judges of Summary Courts shall retire upon the attainment of seventy years of age

Article 51 (Compensation) The compensation received by judges shall be fixed by statute

Article 52 (Prohibition of Political Activities, etc) Judges, while in office, shall not do any of the following acts

1. To become members of the Diet or of assemblies

of local public entities or engage actively in political movements;

2. To hold another salaried position without obtaining the permission of the Supreme Court;

3. To carry on any commercial business or a business which aims at pecuniary gain.

Chapter II. Court Officials Other Than Judges

Article 53. (Secretary General of the Supreme Court). In the Supreme Court there shall be one Secretary General of the Supreme Court.

The Secretary General of the Supreme Court shall be a first class official. The Secretary General of the Supreme Court shall, under the supervision of the President of the Supreme Court, administer the affairs of the Secretariat of the Supreme Court and control and supervise officials of the Secretariat.

Article 54. (Private Secretary of the President of the Supreme Court). In the Supreme Court there shall be one Private Secretary of the President of the Supreme Court.

The Private Secretary of the President of the Supreme Court shall be a second class official.

The Private Secretary of the President of the Supreme Court shall, upon the order of the President of the Supreme Court, administer confidential affairs.

Article 55. (Teachers of the Judicial Research and Training Institute). In the Supreme Court there shall be teachers of the Judicial Research and Training Institute, whose number shall be fixed elsewhere by statute.

Teachers of the Judicial Research and Training Institute shall be first, second or third class officials.

Teachers of the Judicial Research and Training Institute shall, under the direction of their superiors, guide the research, training and study in the Judicial Research and Training Institute.

Article 56. (Chief of the Judicial Research and Training Institute). In the Supreme Court there shall be a Chief of the Judicial Research and Training Institute who shall be assigned to the position by the Supreme Court from among the first class teachers of the Judicial Research and Training Institute.

The Chief of the Judicial Research and Training Institute shall, under the supervision of the President of the Supreme Court, administer the affairs of the Institute and control and supervise officials of the Institute.

Article 57. (Judicial Research Officials). In the Supreme Court and High Courts there shall be Judicial Research Officials whose number shall be fixed elsewhere by statute.

Judicial Research Officials shall be second class officials. But some of them may be first class officials. The maximum number shall be fixed elsewhere by statute.

Judicial Research Officials shall, upon the order of judges, conduct the necessary research in connection with the hearing and decision of cases.

Judicial Research Officials may be appointed from among persons who have passed the examination mentioned in Article 66 in addition to those who are qualified to be appointed to ordinary second class officials.

Article 58. (Court Secretaries). In all courts there shall be Court Secretaries, whose number shall be fixed elsewhere by statute.

Court Secretaries shall be first, second or third class officials.

Court Secretaries shall, upon the order of their superiors, administer the affairs of courts.

Second class Court Secretaries may be appointed or promoted from among those who have passed the examination mentioned in Article 66, in addition to those who are qualified to be appointed or promoted to ordinary second class officials.

Article 59. (Chief of Secretariat). In each High Court and District Court there shall be a Chief of Secretariat, who shall be assigned to the position by the Supreme Court from among court secretaries.

The Chief of Secretariat of each High Court or of each District Court shall, under the supervision of the President of the High Court, or the President of the District Court respectively, administer the affairs of the Secretariat and control and supervise officials thereof.

Article 60. (Court Clerks). In each court there shall be court clerks, who shall be assigned to positions from among court secretaries by the Supreme Court, each High Court or each District Court in accordance with rules determined by the Supreme Court.

The court clerk shall prepare and have custody of records and other documents concerning the cases of the court, and conduct such other affairs as provided elsewhere by statute.

The Court Clerk shall, in exercising his duties, obey the order of judges.

If, in cases where a court clerk has received an order from a judge in regard to the preparation or alteration of a transcript of a statement or of other documents, he recognizes such preparation or alteration is not just and proper, he may attach his own opinion in writing.

Article 61. (Technical Officials of Courts). In all courts there shall be Technical Officials, whose number shall be fixed elsewhere by statute.

Technical officials of courts shall be second or third class officials.

Technical officials of courts shall, upon the order of their superiors, conduct technical affairs.

Article 62. (Marshals). There shall be marshals in each District Court. The marshal shall be appointed by

each District Court in accordance with rules determined by the Supreme Court

The Marshal shall manage the execution of judgments, the dispatch and delivery of documents issued by the Court and such other affairs as are provided elsewhere by statute

The Marshal shall receive a commission If the commissions do not amount to a certain sum, he shall receive a subsidy from the national treasury

Article 63 (Bailiffs) Each court shall employ bailiffs

A bailiff shall conduct courtroom duties under the direction of judges and such other affairs as are determined by the Supreme Court

At times when a court is unable to use a marshal, it may use a bailiff for the dispatch and delivery of documents in the court's vicinity

Article 64 (Appointment, Dismissal and Promotion) The appointment, dismissal and promotion of first class court officials other than judges shall be made by the Cabinet upon the request of the Supreme Court, those of second class court officials shall be made by the Supreme Court, and those of third class court officials shall be made by the Supreme Court, a High Court or a District Court in accordance with rules determined by the Supreme Court

Article 65 (Designation of Courts of Service) The courts where Judicial Research Officials, Court Secretaries, (except Chief of Secretariat or Court Clerks) and Technical Officials of court are to be in service shall be designated by the Supreme Court, a High Court or a District Court in accordance with rules determined by the Supreme Court

Chapter III Judicial Apprentices

Article 66 (Appointment) Judicial apprentices shall be appointed by the Supreme Court from among those persons who have passed the judicial type higher civil service examination

Matters relating to the examination mentioned in the preceding paragraph shall be provided by Cabinet Order

Article 67 (Study and Examination) A judicial apprentice shall complete his study, upon passing an examination at the end of two years of training

A judicial apprentice shall receive a fixed allowance from the national treasury during his term of study

Matters relating to the study and examination mentioned in the first paragraph shall be determined by the Supreme Court

Article 68 (Dismissal) The Supreme Court may dismiss a judicial apprentice when it considers that his behaviour degrades its dignity or when it considers that there exists cause specified (previously) by the Supreme Court

Book V Conduct of Trial

Chapter I Court Sessions

Article 69 (Place of Session) Sessions shall be held at courts or branches

The Supreme Court may, when it deems necessary, hold sessions of court at different places or cause an inferior court to hold sessions at other places which it designates, notwithstanding the provisions of the preceding paragraph

Article 70 (Procedure for Suspension of Public Trial) In order to conduct trial in camera in accordance with the second paragraph of Article 82 of the Constitution of Japan, a court shall, before ordering spectators to leave the court room, make a statement as to the reason for this action

In delivering a judgment, a court shall cause the public to be admitted to the court room again

Article 71 (Maintenance of Order in Court) The presiding judge or a judge who has opened a court shall maintain order in the court

The presiding judge or a judge who has opened a court may order any person who interferes with the exercise of functions of the court or who behaves himself improperly, to leave the court, and may issue such other orders or take such measures as are necessary for the maintenance of order in the court

Article 72 (Dispositions outside Court) At times when the court exercises its functions outside court in accordance with the provisions of other statutes, the presiding judge or a single judge may order any person who interferes with the operations of the court to leave the court, and may issue other necessary orders or take other necessary measures

The authority of the presiding judge mentioned in the preceding paragraph shall be conferred upon a judge when he exercises his functions outside court as provided elsewhere by statute

Article 73 (Offense of Interference with a Trial) Any person who, contrary to an order mentioned in the two preceding Articles, interferes with the exercise of the functions of a court or of a judge shall be liable to imprisonment with or without hard labor for a term not exceeding one year or to a fine not exceeding one thousand yen

Chapter II. Language of Courts

Article 74. (Language of Court). In the court the Japanese language shall be used.

Chapter III. Deliberation of Decisions

Article 75. (Secrecy of Deliberation). The deliberation of decisions in a collegiate court shall not take place in public, but the presence of judicial apprentices may be permitted.

Deliberation shall be begun and regulated by the presiding judge. Except as otherwise provided in this statute, strict secrecy shall be observed in respect to the proceedings of deliberation, the opinion of each judge and the number of opinions.

Article 76. (Duty to Express Opinions). Judges shall express their opinions in deliberations.

Article 77. (Decision). Except in cases when the Supreme Court has enacted special regulations in relation to Supreme Court decision, decisions shall be rendered by a majority of opinions.

In cases when decisions are rendered by majority opinion, if there are three or more different opinions in respect to the following matters, and none of them obtains the absolute majority, the decision shall be rendered in accordance with the opinion mentioned below:

1. In respect to an amount, the number of opinions in favour of the largest amount shall be added to the number of opinions in favour of the next largest amount, and so on until an absolute majority is attained. The amount of the majority opinion shall be that of the opinion in favour of the smallest amount which is held within the majority group;

2. In criminal cases, the number of opinions most unfavourable to the accused shall be added to the number of opinions next most unfavourable, and so on until an absolute majority is attained. The majority opinion then shall be that of the opinion most favourable to the accused which is held within the majority group.

Article 78. (Supplementary Judges). When a trial of a collegiate court is expected to continue for a long time, one supplementary judge may attend the trial and, should a judge of a collegiate court in the course of the trial become unable to take part in the trial, the supplementary judge may join the collegiate court to conduct hearings and render decisions in the place of the judge.

Chapter IV. Cooperation of Courts

Article 79. (Cooperation of Courts). The courts shall render necessary mutual assistance in the conduct of trial.

Book VI. Judicial Administration

Article 80. (Supervision of Judicial Administration). The power of supervision over judicial administration shall be exercised as follows:

1. The Supreme Court shall exercise supervision over its officials, inferior courts and officials thereof;

2. Each High Court shall exercise supervision over its officials, inferior courts within the area over which it has jurisdiction and officials of inferior courts;

3. Each District Court shall exercise supervision over its officials, and Summary Courts within the area over which it has jurisdiction and officials of Summary Courts;

4. Judges of the Summary Court prescribed in Article 37 shall exercise supervision over officials of Summary Courts other than judges of the said Summary Court.

Article 81. (Relation Between Power of Supervision and Judicial Power). The power of supervision mentioned in the preceding Article shall not influence or restrict the judicial power of judges.

Article 82. (Complaint against the Method of Performance of Functions). Complaints lodged against the methods of performance of functions of courts shall be dealt with by means of powers of supervision mentioned in Article 80.

Book VII. Expenditure of Courts

Article 83. (Expenditure of Courts). Expenditures of courts shall be independently appropriated in the national budget.

A reserve fund must be provided among the expenditures mentioned in the preceding paragraph.

Supplementary Provisions

The present Law shall come into fo ce as from the day of the enforcement of the Constitution of Japan

The Law of the Constitution of Courts, Regulations for the Enforcement of the Law of the Constitution of Courts, the Law of Disciplinary Punishment of Judges and the Law of Administrative Litigation shall hereby be abrogated

The years of holding office of judge (Shinpankan) of the Manchukuo who previously held office of a judge or a public procurator provided for in the Law of the Constitution of Courts, shall be deemed the years of holding [illegible]

The years of holding office of public procurator of the Manchukuo who previously held office of a judge or a public procurator provided for in the Law of the Constitution of Courts, shall be deemed the years of holding office of a public procurator in the application of the provisions of Articles 41, 42 and 44

[illegible] tution of Courts, shall be deemed the years of holding office of a secretary of the Attorney General s Office in the application of the provisions of Articles 41, 42 and 44

Supplementary Provision
(Law No 126 of 1947)

The present Law shall come into force as from the day of its promulgation

Supplementary Provision
(Law No 195 of 1947)

The present Law shall come into force on the day when sixty days have elapsed from the day of its promulgation

Supplementary Provisions
(Law No 1 of 1948)

The present Law shall come into force as from the day of its promulgation

COURT ORGANIZATION ENFORCEMENT LAW
(Law No. 60, April 16, 1947)

Article 1. (Laws to be Abrogated):
Law No. 106 of the 23rd year of Meiji (1890),
Law No. 9 of the 2nd year of Taisho (1913),
Law No. 30 of the 10th year of Showa (1935), and
Law No. 11 of the 13th year of Showa (1938).
Ordinance for Summary Decisions of Contravention of Police Regulations (Ikeizai Sokketsurei) are hereby abrogated.

Article 2. (Procedures in Former Courts). The receptions of cases and other procedures taken by courts in accordance with the old Court Organization Law shall be deemed receptions and other procedures taken by the Supreme Court or inferior courts in accordance with provisions made by Government Ordinance.

In regard to administrative litigation pending in the Court of Administrative Litigation at the time of enforcement of the Court Organization Law, an administrative action brought at the Court of Administrative Litigation shall be deemed an action brought in the Tokyo High Court.

Article 3. (Status of Former Judges). A person who holds the office of judge in the old Supreme Court at the time of the enforcement of the Court Organization Law and is not appointed as judge of the new Supreme Court shall be deemed to be assigned to the Tokyo High Court.

A person who holds the office of judge in an Appellate Court at the time of the enforcement of the Court Organization Law shall be deemed to be assigned to the High Court which has jurisdiction over the place where the Appellate Court is situated.

A person who holds the office of judge in a District Court under the old Court Organization Law (the term "old District Court" will be used hereafter) or a person who holds the office of judge in a Local Court at the time of the enforcement of the Court Organization Law, shall be deemed to be assigned to the District Court which has jurisdiction over the place where the old District Court or the Local Court is situated.

A person who is employed as probationary judge in an old District Court or a Local Court at the time of the enforcement of the Court Organization Law shall be deemed to be assigned to the District Court which has territorial jurisdiction over the places where the said Courts are located, as an assistant judge.

In cases where special appointments are issued, the provisions of the three previous paragraphs shall not apply.

In cases where the successors of judges are appointed in accordance with the proviso of Article 103 of the Constitution of Japan, the Supreme Court shall decide which of the judges mentioned in the preceding four paragraphs shall be replaced by them.

The Supreme Court must, by December 31, 1947, designate, in accordance with Article 80, paragraph 1 of the Constitution of Japan, those persons who are to be appointed as successors under the provisions of the preceding paragraphs.

Article 4. (The Consultative Committee for the Appointment of Judges in accordance with Cabinet Ordinance). The Consultative Committee for the Appointment of Judges mentioned in Article 39, paragraph 4 of the Court Organization Law may be established in accordance with the Government Ordinance prior to the enforcement of the said law in order to prepare for the enforcement of the said law.

The Consultative Committee for the Appointment of Judges of the preceding paragraph may take up its duties prior to the enforcement of the Court Organization Law.

Article 5. (Universities Designated in Article 41 of the Court Organization Law). An university designated in Article 41, paragraph 1, item 6 of the Court Organization Law shall be an university which is provided by the School Education Law in which there is a graduate course (Daigaku-in) or an university which is provided by the University Ordinance.

Article 6. (Exception to Pensions for Former Judges). In regard to the pensions to be given to those who were judges at the time when the Court Organization Law was enforced but lost their positions according to the proviso of Article 103 of the Constitution of Japan, special provisions may be made by statute apart from the provisions of the Pension Law.

Article 7. (Matters other than above). Excepting what is provided for in the present law, matters of importance concerning the enforcement of the Court Organization Law and of the present law shall be determined by the Government Ordinance.

Supplementary Provision:

This law shall come into force as from the day of enforcement of the Court Organization Law.

PUBLIC PROCURATORS' OFFICE LAW
(Law No 61, April 16, 1947)

Article 1 Public procurator's office shall be offices at which all business matters handled by public procurators shall be conducted The public procurator's offices shall be the Supreme Public Procurator's Office, the High Public Procurator's Office, the District Public Procurator s Office and the Local Public Procurator s Office

Article 2 The Supreme Public Procurator's Office shall correspond to the Supreme Court, a High Public Procurator's Office to a High Court, a District Public Procurator's Office to a District Court and a Local Public Procurator's Office to a Summary Court

The location of the Supreme Public Procurator's Office and Denominations and locations of the other public procurator's offices shall be determined by Government Ordinance

The Attorney General may, when he deems it necessary, establish branches to conduct a part of business of a High Public Procurator's Office or of a District Public Procurator s Office, corresponding to the Branches of a High Court or of a District Court respectively

Article 3 Public procurators shall be the Procurator General, the Assistant Procurator General, Superintending Procurators, Procurators and Assistant Procurators

Article 4 In criminal cases, public procurators shall bring public action, request the proper application of law by courts, and supervise the execution of judgments, in other cases which fall under jurisdiction of a court, procurators may, when they deem it necessary in connection with their official duties, request information from, or express opinions to, a court, and, as representatives of the public interest, perform such functions as are authorized by other laws

Article 5 Public procurators shall belong to any one of the public procurator's offices and, unless otherwise provided by law, shall exercise those functions mentioned in the preceding Article concerning matters under the jurisdiction of the court corresponding to the public procurator's office to which they belong, within the area over which the court has jurisdiction

Article 6 Public procurators may investigate any criminal offence The relationship between public procurators and those persons who, according to other statutes and ordinances, also have a duty of criminal investigation shall be provided for by the Code of Criminal Procedure

Article 7 The Procurator-General, as a Chief of the Supreme Public Procurator's Office, shall manage the business affairs of his office, and shall control and supervise the officials of all the public procurator's offices

The Assistant Procurator-General shall belong to the Supreme Public Procurator s Office and assist the Procurator-General, and shall perform the functions of the Procurator-General in case the latter is prevented from discharging his functions or his post is vacant

Article 8 A Superintending Procurator, as a Chief of a High Public Procurator s Office, shall manage the business affairs of his office, and shall control and supervise the officials of the office or those officials of a District Public Procurator's Office or of a Local Public Procurator's Office, within the area of jurisdiction of the court corresponding to his office

Article 9 There shall be one Chief Procurator in each District Public Procurator s Office, who is appointed from among first class procurators

A Chief Procurator shall manage the business affairs of his office, and shall control and supervise the officials of the office or those officials of a Local Public Procurator s Office within the area of jurisdiction of the Court corresponding to his office

Article 10 In a Local Public Procurator s Office having two or more procurators or having Procurator and Assistant Procurator, there shall be one senior procurator, who is appointed from among procurators

In a Local Public Procurator s Office where there is a senior procurator he shall manage the business affairs of his office and shall control and supervise the officials of the office, in the other Local Public Procurator s Office, a Procurator or an Assistant Procurator who belongs to the office (in case there are two or more Assistant Procurators, the Assistant Procurator designated by a Chief Procurator) shall manage such business affairs and shall control and supervise the officials of his office

Article 11 The Procurator General, Superintending Procurators and Chief Procurators may cause public procurators whom they control and supervise to exercise a part of the functions mentioned in Art 7, par 1, Art 8 and Art 9, par 2

Article 12 The Procurator-General, Superintending Procurators and Chief Procurators may themselves conduct the business of public procurators whom they control and supervise or may transfer it to other public procurators whom they control and supervise

Article 13 When the Procurator-General and the Assistant Procurator-General, Superintending Procurators or Chief Procurators are prevented from discharging their functions or their posts are vacant other public procurators of the same office shall perform temporarily the functions of the Procurator-General, a Superintending Procurator or a Chief Procurator [illegible] mined by the Attorney-General

When a public procurator [illegible] of administration within a Local Public Procurator's Office is prevented from discharging [illegible] post is vacant, another [illegible] a Chief Procurator shall [illegible] tions.

Article 14. The Attorney-General may control and supervise generally the public procurators in regard to their functions provided for in Articles 4 and 6. However, in regard to the examination and disposition of particular cases he may control only the Procurator-General.

Article 15. The Procurator-General, the Assistant Procurator-General and Superintending Procurators shall be first class officials and their appointments and dismissals shall be attested by the Emperor.

Procurators shall be first or second class officials and Assistant Procurators shall be second class officials.

First class public procurators shall be appointed and dismissed by the Cabinet, and second class public procurators shall be appointed and dismissed by the Prime Minister.

Article 16. Superintending procurators, Procurators and Assistant Procurators shall be assigned to their positions by the Attorney-General.

An Assistant Procurator may be assigned only to a public procurator's position in a Local Public Procurator's Office.

Article 17. The Attorney-General shall designate from among the Procurators of a High Public Procurator's Office or of a District Public Procurator's Office those persons who shall serve at Branch High Public Procurator's Offices or Branch District Public Procurator's Offices.

Article 18. Public procurators of the second class shall be appointed from among the following categories of persons:

1. Persons who have completed their studies as judicial apprentices;
2. Persons who have held positions as judges;
3. Persons who have held positions, for three years or longer as professors or assistant professors of legal science in universities or colleges provided by Government Ordinance.

Assistant Procurators may, notwithstanding the provisions of the preceding paragraph, be appointed from among the following categories of persons, through selections by the Assistant Procurators Selection Committee:

1. Persons who have passed a higher officials examination;
2. Persons who, for three years or longer, have held positions as second class government officials or other public officials in those categories as provided by Government Ordinance.

The persons who, for three years or longer, have held positions as Assistant Procurators and passed the examination as provided by Government Ordinance may be appointed second class procurators, notwithstanding the provisions of the first paragraph.

Regulations concerning the Assistant Procurator Selection Committee shall be fixed by Government Ordinance.

Article 19. Public procurators of first class shall be appointed from among the following categories of persons:

1. Persons who, for eight years or longer, have held positions as second class procurators, assistant judges of the Summary Court or lawyers;
2. Persons who have held positions as Presidents or judges of the Supreme Court, Presidents of High Courts or judges;
3. Persons who have obtained the qualifications mentioned in item 1 or 3 of paragraph 1 of the preceding Article and have afterward held a position, for eight years or longer, as each Assistant to the Attorney-General, Secretary-General of the Attorney-General's office, juvenile court judge, Secretary-General of the Supreme Court or research official of a court, or, as second class officials or above, have held a position as a secretary of the Attorney-General's Office, instructor of the Attorney-General's Office, secretary of a court, or instructor of the Judicial Research and Training Institute;
4. Persons who have the qualifications mentioned in item 1 or 3 of paragraph 1 of the preceding Article and have for one year, or longer, held positions as first class government officials;
5. Persons who have the qualifications mentioned in the first paragraph of the preceding Article and possess the knowledge and experience necessary for performing the duties of public procurators of first class and who have passed the selection by the Selection Committee for First Class Government Officials.

Years of service in the various positions mentioned in items 1 and 3 of the preceding paragraph may be added together.

In the application of the provisions of items 3 to 5 inclusive of the first paragraph, the persons who are appointed procurators in accordance with the third paragraph of the preceding Article shall be deemed to have the qualifications mentioned in item 1 of paragraph 1 of the said Article.

Article 20. The following categories of persons, as well as the persons who cannot be appointed ordinary Government officials as provided by other statutes must not be appointed public procurators:

1. Persons who have been punished by penal imprisonment (without hard labor) or a graver penalty;
2. Persons who have received a judgment of dismissal from office, rendered by a Court of Impeachment.

Article 21. The compensation received by public procurators shall be fixed elsewhere by statute.

Article 22. The Procurator-General shall retire from office on the attainment of sixty-five years of age and other public procurators shall retire at sixty-three years of age.

Article 23. After a decision of the Committee for the Examination of Qualifications of Public Procurators, and

a recommendation of the Attorney-General, a public procurator may be dismissed from office when he is unsuitable to discharge his duties because of mental or physical disability, inefficiency or other such reason

A public procurator shall be examined by the Committee for the Examination of Qualifications of Public Procurators in connection with his qualifications in the following cases.

1 In case a periodical examination is conducted every three years, regarding all the procurators,

2 In case any procurator is examined at any time when required by the Attorney-General,

3 In case any procurator is examined ex officio

The Committee shall examine whether a procurator is not suitable to discharge his duties because of mental or physical disability, inefficiency or other such reason, and shall inform the Attorney-General of its decision In case the Attorney-General has been informed by the Committee of its decision to the effect that a procurator is not suitable to discharge his duties, he shall recommend the dismissal of the procurator in question, when he deems such decision is proper

The Committee for the Examination of Qualifications of Public Procurators shall be under the supervision of the Prime Minister and shall consist of eleven members selected from among members of the Diet, public procurators, officials of the Attorney-General's Office, judges, lawyers and members of the Japan Academy (Nihon Gakushiin), provided that the Diet members to be the members of the Committee shall be four members of the House of Representatives and two members of the House of Councillors respectively and they shall be elected from among the members of the House of Representatives and the House of Councillors

Matters pertaining to the Committee other than those mentioned in the preceding four paragraphs shall be fixed by Cabinet Order

Article 24 When a Superintending Procurator, a Procurator or an Assistant Procurator becomes a supernumerary official by reason of abolition of a public procurator's office or by other such reason, the Attorney-General shall order him to await a vacancy at one half his (normal) salary

Article 25 Except in those cases mentioned in the three preceding Articles, a public procurator shall not, against his will, lose his office, be suspended from the conduct of his duties, or suffer a reduction of salary unless by disciplinary action

Article 26 The Supreme Public Procurator's Office shall have a Private Secretary of the Procurator General

The Private Secretary shall be a second class official

The Private Secretary shall dispose of the confidential matters of the office under the directions of the Procurator-General

Article 27 There shall be Administrative Secretaries in public procurator's offices

Administrative Secretaries shall be second or third class officials

Administrative Secretaries shall, upon order of superiors, conduct business matters with which the public procurator's office is concerned, shall assist public procurators, and shall engage in criminal investigation under their direction

Article 28 There shall be Public Procurator's Office Technicians in public procurators offices

The Technicians shall be second or third class officials

The Technicians shall conduct technical business under the control of public procurators

Article 29 The total number of officials in a public procurator's office shall be fixed by Government Ordinance within the limitations of the budget

Article 30 The Attorney-General delegate to the Procurator-General, or a Superintending Procurator authority relating to the promotion and dismissal of third class officials of his office and delegate to a Chief Procurator a similar authority over officials of his office and of Local Public Procurator's Offices within the territorial jurisdiction of the court corresponding to his office

Superintending Procurators or Chief Procurators shall designate from among the Administrative Secretaries and Technicians of their respective offices the person who will serve at their respective branch offices

Article 31 Officials of public procurator's offices shall render mutual assistance necessary in connection with the business to be conducted by them

Article 32 Regulations concerning the conduct of business in public procurator's offices shall be determined by the Minister of Justice

Supplementary Provisions

Article 33 This Law shall come into effect as from the day when the Constitution of Japan comes into effect

Article 34 Prior to the enforcement of this Law acceptance of cases and other such acts done by the former Procurator-General or the Procurators of the Supreme Court shall be deemed to have been done by the Procurator General or the Procurators of the Supreme Public Procurator's Office Those acts done by the former Superintending Procurators, the Procurators of the Court of Appeal, the former Chief Procurators or the Procurators of District Courts or of Local Courts prior to the enforcement of this Law shall be deemed to have been done by those Superintending Procurators, Procurators of High Public Procurator's Offices, Chief Procurators or Procurators of District Public Procurator's offices as provided by Government Ordinance

*Article 35 Transfer of cases to the former Procurator-*General or Procurators of the Supreme Court (Taishin-in) and such other acts done prior to the enforcement of this Law, shall be deemed to have been done to the Procurator-General or Procurators of the Supreme Public Procurator's Office

Those to the former Superintending Procurators, Procurators of Court of Appeal (Kosoin), the former Chief Procurator, Procurators of a District Court (Chihosaiban-sho) or Procurators of a Local Court (Kusaiban-sho) shall be deemed to have been done to those Superintending Procurators, Procurators of High Public Procurator's Offices, Chief Procurators or Procurators of District Procurator's Offices as provided by Government Ordinance.

Article 36. For the time being, the Attorney General may, when he deems it necessary because of the shortage of public procurators, cause Administrative Secretaries of Local Public Procurator's Offices to conduct the business of public procurator's of the said office.

Article 37. In the application of Articles 18 and 19, a person who has the qualifications for a procurator as provided in the old Court Organization Law shall be deemed to have completed the study as a judicial apprentice, upon obtaining the said qualifications. The same shall apply to the person who, at the time of the enforcement of this Law, is qualified as a lawyer, and who, subsequent to the effective date of this Law completes three years of practice.

Notwithstanding the preceding paragraph, a person who has practiced as a probationary lawyer for one year and a half and has passed the examination shall be deemed to have completed the study as a judicial apprentice upon the passage of the examination.

Article 38. In the application of item 1, paragraph 1 of Article 19, the term of service in the positions as procurators or judges mentioned in the Old Court Organization Law or the term of service in the positions, held by the persons who have the qualification for procurators mentioned in the said Law as Directors in the Ministry of Justice, Directors of the Research Division, Research officials or secretaries of the Ministry of Justice, tutors or secretaries of the Judicial Institute, councillors in the Ministry of Justice, consular officials, procurators or judges of the Government-General of Chosen, procurators or judges of the Government-General Court of Taiwan, procurators or judges of the Court of Kwantung District, procurators or judges of the Office of the South Sea Area shall be deemed to be the term of service in the position as second class procurators.

Article 39. Second class Government officials within the meaning of Article 18, paragraph 2, item 2 shall include the civilian officials of sonin rank. First class government officials within the meaning of Article 19, paragraph 1, item 4 shall include civilian officials of chokunin rank.

Article 40. Upon the enforcement of this Law, unless otherwise officially announced, persons who held office as Procurators of sonin rank at a Court of Appeal, a District Court or a Local Court shall be deemed to have been appointed as Procurators of the second class and assigned, respectively, to a High Public Procurator's Office or to a District Public Procurator's Office as provided by Government Ordinance.

Article 41. Upon the enforcement of this Law, unless otherwise officially announced, chief clerks or court clerks who serve at public procurator's offices or assistant officials of public prosecution of sonin rank or second class shall be deemed to have been appointed as Administrative Secretaries of second class at the same salary standards, or, if they are of hannin rank or third class, as Administrative Secretaries of third class at the same salary standards.

Article 42. Except as otherwise provided by Government Ordinance "procurator" as prescribed in other laws shall read "public procurator" and "procurator of the competent court" shall read "public procurator of the public procurator's office corresponding to the competent court."

Supplementary Provisions
(Law No. 31 of 1948)

This Law shall come into force as from the day of its promulgation.

The first periodical examination mentioned in Item 1, Par. 2, Art. 23 shall ,be conducted within the year of 1949.

ESTABLISHMENT OF INFERIOR COURTS AND THEIR TERRITORIAL JURISDICTION

(Law No 63, April 17, 1947)

Article 1. High Courts and District Courts shall be established as mentioned in the annexed Tables Nos 1 and 2 respectively.

Article 2. The territorial jurisdiction of each High Court and District Court shall be determined as mentioned in the annexed Table No 3

[illegible]

the provision of the second paragraph of Article 2 of the *Court Organization Law*

Supplementary Provisions

The present Law shall come into force as from the day of the enforcement of the Court Organization Law

[illegible]

Constitution of Japan

(Table No 1)

Name	Locality
Tokyo High Court	*Tokyo Metropolis*
Osaka High Court	Osaka City
Nagoya High Court	Nagoya City
Hiroshima High Court	Hiroshima City
Fukuoka High Court	Fukuoka City
Sendai High Court	Sendai City
Sapporo High Court	Sapporo City
Takamatsu High Court	*Takamatsu City*

(Table No 2)

Name	Locality
Tokyo District Court	Tokyo Metropolis
Yokohama District Court	Yokohama City
Urawa District Court	Urawa City
Chiba District Court	Chiba
Mito District Court	Mito City
Utsunomiya District Court	*Utsunomiya City*
Maebashi District Court	Maebashi City
Shizuoka District Court	Shizuoka City
Kofu District Court	Kofu City
Nagano District Court	Nagano City
Niigata District Court	Niigata City
Osaka District Court	Osaka City
Kyoto District Court	Kyoto City
Kobe District Court	Kobe City
Nara District Court	Nara City
Otsu District Court	Otsu City
Wakayama District Court	Wakayama City
Nagoya District Court	*Nagoya City*
Tsu District Court	Tsu City
Gifu District Court	Gifu City
Fukui District Court	Fukui City
Kanazawa District Court	Kanazawa City
Toyama District Court	Toyama City
Hiroshima District Court	Hiroshima City
Yamaguchi District Court	*Yamaguchi City*
Okayama District Court	Okayama City
Tottori District Court	Tottori City
Matsue District Court	Matsue City
Fukuoka District Court	Fukuoka City
Saga District Court	Saga City
Nagasaki District Court	Nagasaki City
Oita District Court	Oita City
Kumamoto District Court	Kumamoto City
Kagoshima District Court	Kagoshima City
Miyazaki District Court	Miyazaki City
Sendai District Court	Sendai City
Fukushima District Court	*Fukushima City*
Yamagata District Court	Yamagata City
Morioka District Court	Morioka City
Akita District Court	Akita City
Aomori District Court	Aomori City
Sapporo District Court	Sapporo City
Hakodate District Court	Hakodate City
Asahikawa District Court	*Asahikawa City*
Kushiro District Court	Kushiro City
Takamatsu District Court	Takamatsu City
Tokushima District Court	Tokushima City
Kochi District Court	Kochi City
Matsuyama District Court	Matsuyama City

(Table No. 3)

High Court	District Court	Territorial Jurisdiction
Tokyo	Tokyo	Tokyo Metropolis
	Yokohama	Kanagawa Prefecture
	Urawa	Saitama Prefecture
	Chiba	Chiba Prefecture
	Mito	Ibaragi Prefecture
	Utsunomiya	Tochigi Prefecture
	Maebashi	Gumma Prefecture
	Shizuoka	Shizuoka Prefecture
	Kofu	Yamanashi Prefecture
	Nagano	Nagano Prefecture
	Niigata	Niigata Prefecture
Osaka	Osaka	Osaka-fu
	Kyoto	Kyoto-fu
	Kobe	Hyogo Prefecture
	Nara	Nara Prefecture
	Otsu	Shiga Prefecture
	Wakayama	Wakayama Prefecture
Nagoya	Nagoya	Aichi Prefecture
	Tsu	Mie Prefecture
	Gifu	Gifu Prefecture
	Fukui	Fukui Prefecture
	Kanazawa	Ishikawa Prefecture
	Toyama	Toyama Prefecture
Hiroshima	Hiroshima	Hiroshima Prefecture
	Yamaguchi	Yamaguchi Prefecture
	Okayama	Okayama Prefecture
	Tottori	Tottori Prefecture
	Matsue	Shimane Prefecture
Fukuoka	Fukuoka	Fukuoka Prefecture
	Saga	Saga Prefecture
	Nagasaki	Nagasaki
	Oita	Oita Prefecture
	Kumamoto	Kumamoto Prefecture
	Kagoshima	Kagoshima Prefecture
	Miyazaki	Miyazaki Prefecture
Sendai	Sendai	Miyagi Prefecture
	Fukushima	Fukushima Prefecture
	Yamagata	Yamagata Prefecture
	Morioka	Iwae Prefecture
	Akita	Akita Prefecture
	Aomori	Aomori Prefecture

(Table No. 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Sapporo	In Hokkaido Sapporo City Yubari City Iwamisawa City Muroran City Otaru City Sapporo-gun Ishikari-gun Atsuta-gun Hamamasu-gun Chitose-gun Yubari-gun Kabato-gun Usu-gun Horobetsu-gun Shiraoi-gun Abuta-gun Urakawa-gun Saru-gun Niikappu-gun Shizunai-gun Mitsuishi-gun Samani-gun Horoizumi-gun Oshoro-gun Yoichi-gun Furuhira-gun Bikuni-gun Shakotan-gun Iwanai-gun Furuu-gun In Sorachi-gun Kita-mura Kurisawa-mura Horomui-mura Mikasa-machi Bibai-machi Sunakawa-machi Naie-mura Takikawa-machi Ebeotsu-mura Utashinai-machi Ashibetsu-machi Akahira-machi In Yufutsu-gun Tomakomai-machi Ahira-mura Atsuma-mura Nukawa-mura Hobetsu-mura

(Table No 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Hakodate	In Hokkaido Hakodate City Matsumae-gun Kamiiso-gun *Kameda gun* Nayabe-gun Yamakoshi-gun Futoro-gun Setana gun Hiyama-gun Nishi-gun Kuto-gun Okushiri-gun Suttsu-gun Isoya-gun Utasutu-gun Shimamaki-gun
Sapporo	Asahikawa	In Hokkaido Asahikawa City Kamikawa gun (Ishikari no kuni) Uryu-gun Kamikawa gun (Teshio no kuni) Nakagawa-gun (Teshio no kuni) Esashi-gun Mashike gun Rumoe-gun Tomamae-gun Saya-gun Rishiri gun Reibun gun Teshio-gun In Sorachi gun Otoe-mura Kamifurano-mura Nakafurano-mura Furano machi Yamabe mura Higashiyama mura Ninamifur no-mura In Yufutsu-gun Shimukappu mura In Mombetsu-gun Kamishokotsu mura Shokotsu mura Takinae-mura Okoppe-mura Nishiokoppe-mura Omu mura

(Table No 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Kushiro	In Hokkaido Kushiro City Obihiro City Kitami City *Abashiri City* Kushiro-gun Atsugeshi-gun Kawakami gun Akan-gun Shiranuka gun Kasai-gun Kamikawa gun (Tokachi no kuni) Kato-gun Nakagawa gun (Tokachi no kuni) Tokachi gun Hiroo gun Ashiyori gun Abashiri gun Shari gun Tokoro gun Nemuro-gun Hanasaki gun Notsuke gun Shibetsu gun Menashi gun In Mombetsu gun Ikutawara mura Engaru machi Maruseфu mura Shirataki mura Kamiyubetsu mura Shimoyubetsu mura
Takamatsu	Takamatsu Tokushima Kochi Matsuyama	Kagawa Prefecture Tokushima Prefecture Kochi Prefecture Ehime Prefecture

(Table No. 3)

High Court	District Court	Territorial Jurisdiction
Tokyo...... ..	Tokyo........	Tokyo Metropolis
	Yokohama....	Kanagawa Prefecture
	Urawa.... ...	Saitama Prefecture
	Chiba..... ..	Chiba Prefecture
	Mito.........	Ibaragi Prefecture
	Utsunomiya...	Tochigi Prefecture
	Maebashi.. ..	Gumma Prefecture
	Shizuoka.....	Shizuoka Prefecture
	Kofu... . . .	Yamanashi Prefecture
	Nagano.... ..	Nagano Prefecture
	Niigata.. . .	Niigata Prefecture
Osaka.	Osaka..	Osaka-fu
	Kyoto.	Kyoto-fu
	Kobe.. . ..	Hyogo Prefecture
	Nara.. . ..	Nara Prefecture
	Otsu........	Shiga Prefecture
	Wakayama ...	Wakayama Prefecture
Nagoya. .	Nagoya	Aichi Prefecture
	Tsu.... ...	Mie Prefecture
	Gifu.... ...	Gifu Prefecture
	Fukui.... . .	Fukui Prefecture
	Kanazawa....	Ishikawa Prefecture
	Toyama......	Toyama Prefecture
Hiroshima....	Hiroshima...	Hiroshima Prefecture
	Yamaguchi. .	Yamaguchi Prefecture
	Okayama. .	Okayama Prefecture
	Tottori.. . ..	Tottori Prefecture
	Matsue. .	Shimane Prefecture
Fukuoka. .. .	Fukuoka.... .	Fukuoka Prefecture
	Saga..... .. .	Saga Prefecture
	Nagasaki.....	Nagasaki
	Oita........ .	Oita Prefecture
	Kumamoto....	Kumamoto Prefecture
	Kagoshima....	Kagoshima Prefecture
	Miyazaki.. .	Miyazaki Prefecture
Sendai. .	Sendai. . .	Miyagi Prefecture
	Fukushima.. .	Fukushima Prefecture
	Yamagata.....	Yamagata Prefecture
	Morioka... ..	Iwae Prefecture
	Akita.... ..	Akita Prefecture
	Aomori......	Aomori Prefecture

(Table No. 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Sapporo . ..	In Hokkaido
		Sapporo City
		Yubari City
		Iwamisawa City
		Muroran City
		Otaru City
		Sapporo-gun
		Ishikari-gun
		Atsuta-gun
		Hamamasu-gun
		Chitose-gun
		Yubari-gun
		Kabato-gun
		Usu-gun
		Horobetsu-gun
		Shiraoi-gun
		Abuta-gun
		Urakawa-gun
		Saru-gun
		Niikappu-gun
		Shizunai-gun
		Mitsuishi-gun
		Samani-gun
		Horoizumi-gun
		Oshoro-gun
		Yoichi-gun
		Furuhira-gun
		Bikuni-gun
		Shakotan-gun
		Iwanai-gun
		Furuu-gun
		In Sorachi-gun
		Kita-mura
		Kurisawa-mura
		Horomui-mura
		Mikasa-machi
		Bibai-machi
		Sunakawa-machi
		Naie-mura
		Takikawa-machi
		Ebeotsu-mura
		Utashinai-machi
		Ashibetsu-machi
		Akahira-machi
		In Yufutsu-gun
		Tomakomai-machi
		Ahira-mura
		Atsuma-mura
		Nukawa-mura
		Hobetsu-mura

(Table No 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Hakodate	In Hokkaido
		Hakodate City
		Matsumae-gun
		Kamiiso-gun
		Kameda-gun
		Nayabe gun
		Yamakoshi-gun
		Futoro-gun
		Setana-gun
		Hiyama-gun
		Nishi-gun
		Kuto-gun
		Okushiri-gun
		Suttsu-gun
		Isoya-gun
		Utasutu gun
		Shimamaki-gun
Sapporo	Asahikawa	In Hokkaido
		Asahikawa City
		Kamikawa gun
		(Ishikari no kuni)
		Uryu-gun
		Kamikawa-gun
		(Teshio no kuni)
		Nakagawa gun
		(Teshio no kuni)
		Esashi gun
		Mashige gun
		Rumoe-gun
		Tomamae gun
		Saya-gun
		Rishiri-gun
		Reibun-gun
		Teshio-gun
		In Sorachi gun
		Otoe-mura
		Kamifurano-mura
		Nakafurano-mura
		Furano machi
		Yamabe-mura
		Higashiyama mura
		Minamifur no-mura
		In Yufutsu gun
		Shimukappu mura
		In Mombetsu-gun
		Kamishokotsu mura
		Shokotsu-mura
		Takinae mura
		Okoppe-mura
		Nishiokoppe-mura
		Omu mura

(Table No 3)—Continued

High Court	District Court	Territorial Jurisdiction
Sapporo	Kushiro	In Hokkaido
		Kushiro City
		Obihiro City
		Kitami City
		Abashiri City
		Kushiro-gun
		Atsugeshi-gun
		Kawakami-gun
		Akan gun
		Shiranuka-gun
		Kasai gun
		Kamikawa-gun
		(Tokachi no kuni)
		Kato-gun
		Nakagawa gun
		(Tokachi no kuni)
		Tokachi-gun
		Hiroo-gun
		Ashiyori-gun
		Abashiri-gun
		Shari gun
		Tokoru-gun
		Nemuro-gun
		Hanasaki-gun
		Notsuke gun
		Shibetsu-gun
		Menashi gun
		In Mombetsu-gun
		Ikutawara-mura
		Engaru machi
		Marusefu mura
		Shirataki mura
		Kamiyubetsu mura
		Shimoyubetsu mura
Takamatsu	Takamatsu	Kagawa Prefecture
	Tokushima	Tokushima Prefecture
	Kochi	Kochi Prefecture
	Matsuyama	Ehime Prefecture

THE LOCAL AUTONOMY LAW

(Law No. 67, April 17, 1947)

Amended by:

Law No. 169, December 12, 1947;
Law No. 196, December 17, 1947;
Law No. 14, March 31, 1948;
Law No. 32, May 1, 1948;
Law No. 52, June 3, 1948;
Law No. 109, July 7, 1948;
Law No. 170, July 15, 1948;
Law No. 179, July 20, 1948;
Law No. 180, July 20, 1948;
Law No. 195, July 29, 1948;

Contents:

Volume I. General Provisions

Article 1. Local public bodies shall mean, ordinary local public bodies and special local public bodies.

The metropolis, district or urban or rural prefectures, and the cities, towns or villages shall come under ordinary local public bodies.

The special cities, special wards, associations of local public bodies, and property wards shall come under special local public bodies

Article 2 A local public body shall be a juristic person

An ordinary local public body shall deal with its public affairs and, in addition to such affairs as belong to ordinary local public bodies which were formerly charged with it by laws or ordinances and which hereafter will be so charged by laws or cabinet orders duly authorized by laws, other administrative affairs within its area which do not belong to national affairs

The affairs contemplated in the preceding paragraph are generally as follows, except in case where it has been provided for in laws or cabinet orders duly authorized by laws

1 To maintain local public order, protect and preserve the safety, health, and welfare of the inhabitants and visitors thereto,

2 To establish and manage parks, playgrounds, open spaces, greens, roads, bridges, rivers, canals, reservoirs, irrigation and drainage waterways, and dykes and similar matters, and to regulate the rights to use them,

3 To manage water plants and other water supplies, sewerage systems, electric plants, gas plants, street-car services, automobile services, vessels and other transportation systems, and other services,

4 To establish and manage docks, moles, piers, wharves, warehouses, sheads and other establishments necessary for other maritime and land transportation and to regulate the rights to use them,

5 To establish and manage schools, laboratories, experimental stations, libraries, art museums, goods exhibitions, auditoriums, theaters, musical pavilions and other establishments relating to education, science, culture and promotion of industries, and to regulate the rights to use them,

6 To establish and manage hospitals, isolated wards, sanatoriums, disinfecting stations, maternity hospitals, residences, hostels, dining halls, baths, public latrines, pawn-shops, workhouses, public nurseries, asyla for the aged, almshouses, reformatories, jails, butcheries, dust-disposing stations, dirt-disposing stations, crematories, cemeteries, and other establishments relating to health and sanitation and social welfare and to regulate the rights to use them,

7. To clean, disinfect, beautify, and prevent noises or to restrain acts injurious to public morals and acts staining cleanliness and besides to deal with the matters relating to health and sanitation and refinement of public morals;

8. To prevent crime, to prevent disasters, and to carry out relief and protection of victims of disasters and to deal with similar affairs;

9. To relieve, protect and care for minors, the poor, the sick, the old and weak, widows, defective persons, vagrants, insane or inebriate persons and similar persons;

10. To manage forests, meadows, land, markets, fishing water surface, public workhouses and besides to undertake profit enterprises deemed to be necessary for the promotion of public welfare;

11. To carry out hill- and river-improvements, agricultural land development, adjustments of arable land, reclamations of land from public water surface, city-planning improvements of districts under poor conditions and other improvements of land;

12. To deal with affairs relating to fostering and promotion of inventions, improvements of special products and other increases and improvements in production;

13 To protect and manage historic places, places of scenic beauty, and monuments,

14. To investigate the matters necessary for disposition of affairs of an ordinary local public body and to make statistics of them,

15. To deal with the affairs relating to official registers, identification and registering and other similar matters relating to the inhabitants, visitors thereto and other persons deemed necessary,

16 To inspect carry out inspection with respect to such matters as relate to meters, various products, domestic animals,

17. To establish limitations relating to structure of buildings, facilities, the area of yards, court density, open space districts, the areas on the basis of dwellings, trade, industry and other state of business of inhabitants in accordance with the determination of laws;

18 To appropriate, enter upon and hold personal or real property for any public purpose in accordance with the determination of laws,

19. To adjust and coordinate the activities of the public bodies and other similar bodies within the area of an ordinary local public body,

20. To levy and collect local taxes, rents, fees, allotted charges, entrance fees, or statutory labor and actual articles in accordance with the determination of laws;

21. To create and manage the permanent property, sinking funds and besides the reserve fund and grain and similar matters;

An ordinary local public body may not deal with such national affairs including but not limited to those mentioned as follows:

1. Affairs relating to all judicial matters;

2. Affairs relating to penal punishment and national disciplinary punishment;

3. Affairs relating to national transportation and

communication,

4 Affairs relating to post,

5 Affairs relating to national institutions of learning, and research,

6 Affairs relating to national hospitals and Sanatoriums,

[illegible]

with this Law, deal with its affairs

A local public body shall not deal with its affairs as contravene any laws or cabinet orders or ministerial regulations duly authorized by law and, furthermore, a city, town or village or a special ward shall not deal with its affairs as contravene any bylaws of the metropolis, district or urban or rural prefecture concerned

The actions of a local public body which have contravened the provisions of the preceding paragraph are null and void

Article 3 The name of a local public body shall be the same as that which has hitherto been used thereof

If it becomes necessary for the alteration of the name of the metropolis, district or urban or rural prefecture or special city to be effected, it shall be provided for by law

If it becomes necessary for the alteration of the name of local public bodies other than the metropolis, district or urban or rural prefectures or special cities, to be effected, it shall, except those which are specially provided for in this Law, be provided for by bylaw and require the approval of the Governor of the metropolis, district or urban or rural prefecture

Article 4 A local public body shall, in a case where it intends to determine, or alter the location of its office, effect the same through bylaws

Volume II Ordinary Local Public Bodies

Chapter I Common Rules

Article 5 The area of an ordinary local public body shall be the same as that which has heretofore been comprised therein

The metropolis, district or urban or rural prefecture shall include cities, towns and villages

Article 6 If the creation of a metropolis, district or urban or rural prefecture, as well as its dissolution, division or union or alterations of the boundaries thereof becomes necessary, it shall be provided for by law

In a case where the alteration of the boundary of a city, town or village affecting the boundaries of metropolis, district or urban or rural prefecture has been effected the boundaries of metropolis, district or urban or rural prefectures shall themselves be subject to alteration, the same shall be applied in a case where the incorporation of an unassigned territory into the area of a city, town or village has been effected

If, in the cases contemplated in the preceding two paragraphs, it is necessary for the disposition of property to be effected, it shall be determined by a mutual agreement of local public bodies concerned, except in cases where it has been provided for in laws

The mutual agreement prescribed in the preceding paragraph shall be made upon the resolution adopted by the assemblies of the local public bodies concerned

Article 7 The creation of a city, town or village, as

[illegible]

rural prefecture upon the resolution adopted by the assembly, of the metropolis, district or urban or rural prefecture concerned and the notification to that effect shall be made to the Prime Minister, the same shall be applied to the incorporation of an unassigned territory into the area of a city, town or village

The alteration of the boundary of a city, town or village affecting the boundaries of the metropolis, district or urban or rural prefectures shall, on the basis of the application of ordinary local public bodies concerned, be determined by the Prime Minister

If, in the cases contemplated in the preceding two paragraphs, it is necessary for the disposition of property to be effected, it shall be determined by the mutual agreement of the cities, towns or villages concerned

The application or the mutual agreement prescribed in the preceding three paragraphs shall be made upon the resolutions adopted by the assemblies of the ordinary local public bodies concerned

In the case where the Prime Minister receives the notification prescribed in the provisions of paragraph 1, or effects the disposition in accordance with the provisions of paragraph 2, he shall forthwith give public notice thereof

Article 8 An ordinary local public body shall have the following necessary conditions to become a city

1 Having a population of thirty thousand or more,
2 The number of houses within the area which makes up the central urban area of the ordinary local public body concerned, being 60% or more of the total number of houses,
3 The number of persons, who engage in commerce, industry or any other urban like business and persons who belong to the same household as such persons, being 60% or more of the total population,
4 In addition to those which are provided for in the preceding items that it shall have, urban

establishments and other conditions necessary for a city, as are provided for in bylaws of the metropolis, district or urban or rural prefecture concerned.

An ordinary local public body which is to become a town shall have conditions necessary to be a town as provided for in by-laws of the metropolis, district, or urban or rural prefecture concerned.

With respect to the disposition of the reorganization of a town or village into a city or the reorganization of a city into a town or village, or the disposition of the reorganization of a village into a town or the reorganization of a town into a village, the same shall be effected in conformity to the instances of paragraphs 1, 4 and 5 of the preceding Article.

Article 9. In case where there exists a dispute relating to the boundaries of cities, towns or villages, the cities, towns or villages concerned may bring an action for decision in the court.

If, in cases where the boundaries of cities, towns or villages are indistinct, there is no dispute relating to the boundaries thereof, the governor of the metropolis, district or urban or rural prefecture may request the court for the determination of the boundaries.

In the case contemplated in the preceding paragraph, except those which are specially provided for by cabinet orders, the provisions of the Law concerning the Procedures of Non-legal Cases shall be applied.

Chapter II. Inhabitants

Article 10 A person who has his residence within the area of a city, town or village shall be an inhabitant of the metropolis, district or urban or rural prefecture which includes the city, town or village concerned, as well as of the city, town or village concerned

An inhabitant shall, in accordance with this Law, have the right to use in common with others the property and establishments of the ordinary local public body to which he belongs and the duty to share the assumption of burden thereof

Article 11 Any inhabitant of an ordinary local public body who is a Japanese national shall, in accordance with this Law, have the right to participate in the election of the ordinary local public body to which he belongs

Article 12 Any inhabitant of an ordinary local public body who is a Japanese national shall, in accordance with this Law, have the right to demand the enactment or amendment or abolition of bylaws of the ordinary local public body to which he belongs.

Any inhabitant of an ordinary local public body who is a Japanese national shall, in accordance with this Law, have the right to demand the inspection of the affairs of the ordinary local public body to which he belongs.

Article 13. Any inhabitant of an ordinary local public body who is a Japanese national shall, in accordance with this Law, have the right to demand the dissolution of the assembly of the ordinary local public body to which he belongs.

Any inhabitant of an ordinary local public body who is a Japanese national shall, in accordance with this Law, have the right to demand the dismissal from office of the assemblymen of the ordinary local public body to which he belongs and its chief, vice governor or deputy mayor, chief accountant or treasurer, members of the election administration committee or inspection commissioners or members of Public Safety Commission of the city, town or village.

Chapter III. Bylaws and Regulations

Article 14 An ordinary local public body may enact any bylaw on affairs contemplated in paragraph 2 of Article 2, so long as the bylaw does not contravene any laws or ordinances duly authorized by laws.

An ordinary local public body shall prescribe its disposition of the administrative affairs by its bylaw, unless otherwise provided for in laws or ordinances duly authorized by laws.

The metropolis, district or urban or rural prefecture may enact provisions in its bylaws relating to the administrative affairs of the city, town or village unless otherwise provided for in laws or ordinances duly authorized by laws.

If the bylaw of the city, town or village relating to the disposition of the administrative affairs contravenes that of the metropolis, district or urban or rural prefecture contemplated in the provisions of the preceding paragraph, the said bylaw of the city, town or village shall be null and void.

An ordinary local public body may prescribe in its bylaw the imposition of imprisonment with or without hard labor not exceeding two years, fine not exceeding 100,000 yen, detention, charge or confiscation for violation of its bylaw, unless otherwise provided for in laws or ordinances duly authorized by laws.

The crimes contemplated in the preceding paragraph shall fall under the jurisdiction of the national courts.

Article 15. The chief of an ordinary local public body may enact any regulations with respect to such affairs as come under his powers, as long as such regulations do not contravene any laws or ordinances duly authorized by laws.

The chief of an ordinary local public body may prescribe in the regulations of the ordinary local public body

provisions to impose an administrative fine not exceeding 2,000 yen to any person who violates any regulation, unless otherwise provided for in laws or ordinances duly authorized by laws

Article 16 The bylaws and regulations shall, in accordance with a stated form of public notice, be given public notification thereof

Chapter IV Elections

Section I. Common Rules

Article 17 The assemblymen and the chief of an ordinary local public body shall, from among such persons as are eligible be elected by the vote of electors

Article 18 Any person who, being a Japanese national of twenty years of age or over, has his residence within the area of a city, town or village for six consecutive months at a given date, shall have the right to vote at the election of the assemblymen or the chief of the ordinary local public body to which he belongs

Any person who has his residence for six consecutive months within the area of a city, town or village and has forfeited the right for voting in the elections of assemblymen and the chief of the city, town or village to which he belongs, on account of his removal from his residence being compelled by an act of God or the same person or a repatriate who has come to have his residence within the area of a city, town or village but whose period of residence therein has not reached six months, shall, on application to the election administration committee of the city, town or village concerned have the right for voting in such elections of the city, town or village concerned, notwithstanding the residential requirements provided for in the preceding paragraph

Any person who has the right to vote in accordance with the provisions of the preceding paragraph shall have the right to vote at the elections of the assemblymen or the chief of the metropolis, district, or urban or rural prefecture which include the city, town or village concerned

Any person who has, in accordance with the provisions of paragraph 2, the right to vote in a city, town or village except the city, town or village in which he has his residence shall, *notwithstanding the provisions of* paragraph 1, not have the right to vote at the elections of the assemblymen or the chief of an ordinary local public body in the city, town or village in which he has residence

The period of six months contemplated in paragraph 1 shall not be interrupted by the creation, dissolution, union or division of a city, town or village or by the alteration of the boundary thereof

Article 19 Any person who, being twenty-five years of age or over who possesses the right to vote at the election of the assemblymen of an ordinary local public body shall be eligible for election to the office of the assemblymen of the ordinary local public body to which he belongs

Any Japanese national who is thirty years of age or over shall be eligible for election to the office of the governor of the metropolis, district or urban or rural prefecture

Any Japanese national who is twenty-five years of age or over shall be eligible for election to the office of the mayor of a city, town or village

The age contemplated in the preceding three paragraphs shall be computed as of the date of election

Article 20 Any person who has been adjudged incompetent or quasi incompetent or who has been sentenced to imprisonment with or without hard labor and or has neither finished the execution of such punishment nor has ceased to undergo the same, shall have neither the right to vote at the elections nor be eligible to be elected thereat

Article 21 The members of the election administration committee, its clerk, the superintendents of the poll, the superintendents of the counting of the votes, presiding officers of election and such government officials or local officials as are concerned in election affairs shall be ineligible for being elected at the elections within the area in which they act as such

A public procurator, a government police official or a revenue official and or a member of the public safety commission of an ordinary local public body or a local police official thereof, while in office shall be ineligible for being elected at elections

Article 22 The members of the assembly of the metropolis, district or urban or rural prefecture shall be elected in the respective electoral districts

The area of an electoral district contemplated in the preceding paragraph shall be the same as that of a county or city

In a case where the population in the area prescribed *in the preceding paragraph is conspicuously small*, several areas may be united by bylaws to create one electoral district

If, in a case where the creation of a district contemplated in paragraph 2 has newly been effected during the term of office of the members of the assembly of the metropolis, district or urban or rural prefecture, and the number of the assemblymen assigned to the electoral district to which such district has hitherto belonged is less than the number of such electoral districts contemplated in the provisions of paragraph 2 as are concerned with such creation of a district, the area of the district which has newly been created shall, with respect to the application of provisions of the same paragraph, be deemed not to have been created, until the next general election

Such matters as are necessary for the cases contemplated in the preceding two paragraphs shall be provided

in ordinances.

A city, town or village may, with respect to the election of the members of its assembly, create electoral districts by its bylaw; provided that, with respect to the city contemplated in Article 155, paragraph 2, the area of a ward shall be that of the electoral district.

The electoral district to which an elector of assemblymen of a city, town or village belongs shall be determined by his residence. With respect to any person who has the right to vote in accordance with the provisions of Article 18, paragraph 2, and who has residence within the area of the city, town or village, the election administration committee of the city, town or village concerned shall, upon application of the person himself or ex cathedra, if he fails to make an application, determine the electoral district to which he belongs.

The number of the assemblymen of an ordinary local public body to be elected in the respective electoral districts shall be provided for in bylaws in proportion to population.

Article 23. The affairs relating to the elections of an ordinary local public body shall be administered by the election administration committee of the ordinary local public body concerned.

Article 24. The elections of the assemblymen of an ordinary local public body and the chief thereof shall be held forthwith within 60 days of the date on which reasons have occurred for holding such elections.

The election of the assemblymen of an ordinary local public body and of its chief in consequence of the expiration of the term of office of the same shall not be held before the thirtieth day prior to the day on which the term of office of such person is to expire.

The election of the assemblymen of a city, town or village and of its chief shall not be held until, after the notice contemplated in Article 25, paragraph 4 has been given; except in the case where no notice is given within the period contemplated in the same paragraph.

Concerning the date of election, such election administration committee as administers the affairs relating to such election shall give public notice thereof on or before the thirtieth day prior to the date of election in case of metropolis, district or urban or rural prefecture, and on or before the twentieth day prior to the date of election in the case of a city, town or village.

In a case where the elections of the metropolis, district or urban or rural prefecture and the elections of a city, town or village are held simultaneously in accordance with the provisions of Article 25, paragraph 3, the election administration committee of the metropolis, district or urban or rural prefecture shall give public notice of the date of election on or before the thirtieth day prior to the date of election.

Article 25. The election of the assemblymen of the metropolis, district or urban or rural prefecture, and the election of the governor thereof or the election of the assemblymen of a city, town or village and the election of the mayor of a city, town or village may be held simultaneously.

In a case where an election of the members of the assembly of a city, town or village or the chief thereof is held, the election administration committee of a city, town or village shall, on or before the sixtieth day prior to the day on which the term of office expires with respect to the election due to the expiration of the term of office, or within three days from the date on which such event as is necessary for the holding of an election has occurred, with respect to an election due to events other than the expiration of the term of office excluding a case where a report is to be made in accordance with the provisions of Article 59, paragraph 4 or Article 61, paragraph 3, file notice to that effect with the election administration committee of the metropolis, district or urban or rural prefecture. The same shall be applied when the event prescribed in Article 62, paragraph 1 has occurred with respect to an elected person in the election of the assembly of a city, town or village or in a case where a vacancy in the members of the assembly of a city, town or village has occurred and it is unable to supplement the shortage of elected persons or the vacancies in accordance with the provisions of Article 56 or Article 63, paragraph 2.

An election administration committee of the metropolis, district or urban or rural prefecture may, on the basis of the application contemplated in the provisions of the preceding paragraph or of the report contemplated in the provisions of Article 59, paragraph 4 or Article 61, paragraph 3, cause the election of the city, town or village concerned to be held simultaneously with the election of the metropolis, district or urban or rural prefecture.

An election administration committee of the metropolis, district or urban or rural prefecture shall, within three days from the day on which the application provided for in paragraph 2 or the report contemplated in the provisions of Article 59, paragraph 4 or Article 61, paragraph 3 has been made, give notice to the election administration committee of the city, town or village concerned with respect to whether the election of the city, town or village concerned shall be caused to be held simultaneously with the election of the metropolis, district or urban or rural prefecture.

In a case where simultaneous elections are to be held in accordance with the provisions of paragraph 1 or paragraph 3, except those which are specially provided for in this Law, the provisions relating to the polling and the counting of votes shall be applied throughout the whole elections. In a case where simultaneous elections are to be held in accordance with the provisions of paragraph 1 and the electoral district are one and the same, the same shall be applied with respect to the provisions relating to the electoral district.

Necessary matters in the case of the preceding para-

graph shall be prescribed in cabinet orders

Section II. Electors' Register

Article 26 The election of an ordinary local public body shall be held by the elector's registers for the members of the House of Representatives and the supplementary elector's register or the abstracts thereof

If, in such a case where the election of an ordinary local public body (excluding the election contemplated in Article 65, paragraph 1) is to be held, there are such persons who have not been entered in the elector's register for the members of the House of Representatives or the supplementary elector's registers in the city, town or village concerned and have the right to vote at the election of the assemblymen of the ordinary local public body and its chief, the election administration committee of a city, town or village shall, upon application, prepare the supplementary elector's register in which such persons are to be entered, and shall throw the same open to inspection of the persons concerned at any place designated by the committee

The requisites of the right to vote shall be investigated on the date of the preparation of the supplementary elector's register In this case, the age and the terms of residence in accordance with the provisions of Article 18, paragraph 1 shall be computed as of the date of election

The committee shall, on or before the third day prior to the date on which the public inspection of the supplementary elector's register begins, give notice of the place for inspection

The supplementary elector s register shall enter such matters as the full name, address, sex distinction, date of birth, of each elector

The preparation, inspection, date and period with respect to the determination and conclusion of objection, method and period of application and similar procedures shall be determined by the election administration committee which administers the affairs of the election concerned, and be notified to the public beforehand

In such a case where the election of the metropolis, district or urban or rural prefecture and the election of a city, town or village are to be held simultaneously in accordance with the provisions of paragraph 5 of the preceding Article, such matters as the date and the period contemplated in the preceding paragraph shall, notwithstanding the provisions of the same paragraph, be determined by the election administration committee of the metropolis, district or urban or rural prefecture and prior notice be given thereof

Article 27 If it is deemed that there is any omission or clerical error in a supplementary elector's register, any person concerned may file objections against the election administration committee within the period during which such elector s register shall be thrown open to inspection

In a case, where the committee receives the objection of the preceding paragraph and a determination that such objection is justified has been made, the committee shall forthwith make an amendment in the supplementary elector s register, notify to the effect to the person who has filed the objection and to those persons concerned, and at the same time give public notice thereof In a case where a determination that the objection is not justified has been made, the committee shall forthwith notify the same to the person who has filed the objection

Any person who is dissatisfied with the determination contemplated in the preceding paragraph may bring an action in the local court within seven days from the day upon which such determination has been made Any person who is dissatisfied with the decision thereat, though he may not make an appeal, may bring an action to the Supreme Court, inappealable

The election administration committee shall forthwith make an amendment in the supplementary elector s register, if such amendment is required to be effected upon the final decision in court having been given, and make a notification to the effect

The committee shall adjust and remake the supplementary elector's register as of the 20th December of each year

When it becomes necessary through an act of God, the register shall be remade

Matters necessary concerning the register mentioned in the preceding paragraph shall be provided for in ordinances

Section III Polling

Article 28 The polling district shall be the same as the polling district at the election of the members of the House of Representatives

Article 29 The superintendent of the poll shall be assumed by a person who, from among the persons who have the right to vote, has been selected by the election administration committee of a city, town or village

The superintendent of the poll shall take charge of the affairs relating to polling

The superintendent of the poll shall lose his office when he has lost his right to vote

Article 30 A candidate may, from among those persons who are entered in the elector s register in the respective polling district, determine, upon obtaining the agreement of the person himself, one person to be an inspector of the poll and may, on or before the third day prior to the date of election in case of the election of the assemblymen or the chief of the metropolis, district or urban or rural prefecture and the city, and on or before the second day prior to the day of election in case of the election of the assemblymen or the chief of the town or village, file the same to the superintendent of the poll, provided that a candidate may file the same person as already filed

The persons who have been filed in accordance with the provisions of the preceding paragraph (in case where

a candidate has died or has withdrawn from his candidacy, the person whom such candidate has filed shall be excluded. The same shall be applied hereafter.), shall, if such persons do not exceed ten, forthwith be caused to assume the office of inspector of the poll; if more than ten, ten inspectors of the poll shall be determined by a mutual election of the persons who have been filed.

The mutual election prescribed in the provisions of the preceding paragraph shall be effected by vote; and such persons as have the largest number of votes shall become the inspectors of the poll. In the case of an equality in the number of the votes obtained, the superintendent of the poll shall determine the person to be the inspector of the poll by the drawing of lots.

Three or more persons filed by the candidates who belong to the same party or association shall not become, inspectors of the poll.

In such a case where those persons filed in accordance with the provisions of paragraph 1 who have belonged to the same political party or other association are three or more, notwithstanding the provisions of paragraphs 2 and 3, persons other than the two persons who have been determined by the superintendent of the poll by the drawing of lots in the case of those who shall be the inspectors of the poll immediately upon application or those two persons who have obtained the largest number of votes in the case of the inspectors of the poll being selected by the mutual election (in a case where the votes obtained are equal, when two persons are to be determined, such persons who have been determined by the superintendent of the poll by the drawing lots) shall not become inspectors of the poll.

After the inspectors of the poll have been determined in accordance with the provisions of paragraph 2, 3 or the preceding paragraph, if the number of inspectors of the poll filed by the candidates who belong to the same party or association come to be three or more, persons other than those two who have been determined by the drawing lots by the superintendent of the poll shall lose their office.

The mutual election prescribed in the provisions of paragraph 2 or the drawing of lots contemplated in the provisions of paragraph 5 shall be held on the day prior to the date of election.

With respect to the place, the date and the time at which the mutual election prescribed in the provisions of paragraph 2 or the drawing of lots prescribed in the provisions of paragraph 5 or 6 are to be held, the superintendent of the poll shall beforehand give public notice thereof.

When a candidate has died or has withdrawn his candidacy, the inspector of the poll filed by such candidate shall lose his office.

When the inspectors of the poll prescribed in het provisions of paragraph 2 are less than three or have come to be less than three, or if the inspectors of the poll present have not come to be three at the time when the polling station is to open or have thereafter come to be less than three, the superintendent of the poll shall, from among those persons whose name have been entered in the elector's register in the polling district concerned, select so many inspectors of the poll as to make up three in all, and forthwith give notice thereof to the persons themselves and shall cause them to be present at the poll; provided that three or more persons' aggregating those persons who belong to the same political party or other association as the political party or other association to which the candidate who have filed inspectors of the poll contemplated in paragraph 2 or inspectors of the poll selected by the superintendent of the poll belong, with inspectors of the poll filed by the candidates concerned of inspectors of the poll selected by the superintendent of the poll, shall not be selected.

An inspector of the poll shall not resign his office without just reason.

Article 31. The form of a ballot paper shall be determined by the election administration committee which administers the affairs of the election concerned.

In a case where, in accordance with the provisions of Article 25, paragraph 3, the election of the metropolis, district or urban or rural prefecture and the election of the city, town or village are to be held simultaneously, the form of a ballot paper shall be determined by the election administration committee of the metropolis, district or urban or rural prefecture.

In a case where, in accordance with the provisions of Article 25, paragraph 1 or 3, the elections are to be held simultaneously, the columns in which the name of the candidates are to be entered shall with respect to the respective elections, be divided and set forth in the ballot paper.

Article 32. An elector shall, at the polling station, write down in his own hand the name of one candidate in the ballot paper and deposit it in the ballotbox.

In a case where, in accordance with the provisions of Article 25, paragraph 1 or 3, elections are held simultaneously, an elector shall, at the polling station, write down in his own hand the name of one candidate in the column of the ballot paper wherein the name of the candidate is to be entered for the respective election and deposit it in the ballotbox.

The elector who is unable to write down in his own hand the name of a candidate owing to physical disability, may, notwithstanding the provisions of Article 37, Article 41 and the preceding two paragraphs, submit an application to the superintendent of the poll, and cause a person selected by the superintendent upon asking for the views of the inspectors of the poll, to write down the name of one candidate in the ballot paper and deposit it in the ballotbox. In this case, necessary matters shall be provided for in cabinet order.

The name of an elector shall not be entered in the

ballot paper

Article 33 The denial of a vote shall be decided by the superintendent of the poll upon asking for the views of the inspectors of the poll

If an elector against whom a decision contemplated in the preceding paragraph has been made, is aggrieved thereby, the superintendent of the poll shall cause him to vote provisionally

With respect to the ballot contemplated in the preceding paragraph, the elector shall be caused to put the same in an envelope, seal the envelope up, write his full name thereon in his own hand and deposit the same in the ballotbox

The provisions of the preceding two paragraphs shall be applied to an elector whose vote has been objected by an inspector of the poll

Article 34 With respect to the vote of an elector who establishes his inability, owing to the following grounds, to proceed in person to a polling station and cast a ballot on the date of election, special provisions may, notwithstanding the provisions of Article 32, paragraphs 1 and 2, Article 37 and the preceding Article, be made in ordinances

1 An elector has been engaged in duties or business outside the area of the county or city where the polling district to which he belongs, is located (in case of an elector who is engaged in duties relating to election, the area outside the polling district to which he belongs),

2 Except those mentioned in the preceding item, an elector has been travelling or staying outside the area of the county or city where the polling district to which he *belongs, is located, on account of inevitable duty or other* accidents,

3 Except those mentioned in the preceding item, an elector has serious difficulty to walk on account of illness, injuries, pregnancy or deformity or on account of being confined for childbirth

Article 35 When it is deemed, with respect to islands or other places where communication is unsatisfactory, that there are circumstances such as to make it impossible to send forward the ballot boxes on the date of election, the election administration committee which administers the affairs of the election concerned, may determine the date of the poll at its own discretion and cause the ballot boxes, the records of the poll and the selector's registers or its abstracts to be forwarded on or before the date for the counting of the votes

In case where the election of the metropolis, district or urban or rural prefecture and the election of the city, town or village are to be held simultaneously, in accordance with the provisions of Article 25, paragraph 3, the date of the polling prescribed in the preceding paragraph shall, notwithstanding the provisions of the same paragraph, be determined by the election administration committee of the metropolis, district or urban or rural prefecture

Article 36 When it is impossible to vote or it is necessary to have a further vote taken, through a natural calamity or due to any unavoidable circumstance, the election administration committee which administers the affairs of the election concerned shall designate another date and cause a vote to be taken, provided that such date shall be given public notice by the election administration committee at least five days prior to the said date

If, in a case where, in accordance with the provisions of Article 25, paragraph 3, the election of the metropolis, district or urban or rural prefecture and the election of the city, town or village are held simultaneously, the events contemplated in the preceding paragraph have occurred, the election administration committee of the metropolis, district or urban or rural prefecture shall in conformity to the provisions of the same paragraph, cause another vote to be taken

In a case where an event contemplated in paragraph 1 has occurred with respect to the election of metropolis, district or urban or rural prefecture or in a case contemplated in the preceding paragraph, the election administration committee of a city, town or village shall through the presiding officer of election for the election of the metropolis, district or urban or rural prefecture, file a report to that effect to the election administration committee of the metropolis, district or urban or rural prefecture

Article 37 The provisions of Article 21 to 23 inclusive, Article 25, Article 26, Article 28 to 30 inclusive, Article 32, Article 34, Article 35 and Article 39 to 43 in- [illegible]

Section IV The Counting of Votes

Article 38 The district for the counting of votes shall be the same as the district for the counting of votes for the election of the Members of the House of Representatives, provided that with respect to the election of the assemblymen of a city, town or village, the election administration committee of the city, town or village concerned may establish separately districts for the counting of the votes

Article 39 The superintendent for the counting of the votes shall be a person who, from among those persons who have the right to vote, has been appointed by the election administration committee of a city, town or village

The superintendent for the counting of the votes shall take charge of the affairs relating to the counting of the votes

The superintendent for the counting of the votes shall lose his office when he has lost his right to vote

Article 40 The provisions of Article [illegible] shall be applied mutatis mutandis [illegible] for the counting of the votes

Article 41. Any of such votes prescribed in the provisions of Article 32, paragraph 1 as are mentioned under the following shall be null and void;

1. A vote for which the prescribed form is not used;
2. A vote on which, in addition to the full name of a candidate, other matters are entered, provided that this shall not apply to such kinds of matters as occupation, status, address or honorific titles;
3. A vote on which the full name of any person who is not a candidate is written;
4. A vote on which the full names of two or more candidates are written;
5. A vote on which the full name of a candidate who is ineligible is written;
6. A vote on which the full name of a candidate is not written in the voter's own handwriting;
7. A vote, whereby it is unascertainable on the face of the ballot whether the voter has intended to vote for one candidate or the other;

Such vote contemplated in the provisions of Article 32, paragraph 2 as falls under item 1 or 2 of the preceding paragraph shall be null and void; such writing-in in the columns of that vote in which the names of candidates for respective election shall be entered as falls under item 3 to 7 inclusive of the preceding paragraph shall be null and void.

Article 42. The superintendent for the counting of the votes shall, in the presence of the inspectors for the counting of the votes, open each ballot-box; he shall, first of all, investigate such votes as are prescribed in the provisions of Article 33, paragraph 2 and 4 and decide, upon asking for the views of the inspectors for the counting of the votes, whether such votes shall be accepted or not.

The superintendent for the counting of the votes shall, upon mixing up the votes from every polling station, inspect each of the votes with the inspectors for the counting of the votes.

In a case where the inspection of the votes has been concluded, the superintendent for the counting of the votes shall forthwith report the result thereof to the presiding officer of election.

Article 43. The provisons of the principle clause of Article 36, paragraph 1, and paragraphs 2 and 3 of the same article shall be applied mutatis mutandis to the counting of the votes.

Article 44. The provisions of Article 45, Article 46, Article 48, Article 50, Article 51, Article 53 to 55 inclusive, and Article 57 of the Law concerning the Section of the Members of the House of Representatives shall be applied mutatis mutandis to the counting of the votes for the elections of the assemblymen and chief of an ordinary local public body.

Section V. Election Meeting

Article 45. The presiding officer of election shall be a person who, from among those persons who have the right to vote, has been appointed by the election administration committee of a city, town or village.

The presiding officer of election shall take charge of the affairs relating to election meeting.

The presiding officer of election shall lose his office when he has lost his right to vote.

Article 46. The election meeting shall be held at any place designated by the presiding officer of election.

Article 47. The provisions of Article 30 shall be applied mutatis mutandis to an inspector for the election meeting.

Article 48. With respect to an election where the area of the electoral district is the same as that of the district for the counting of the votes, the affairs relating to the counting of the votes at the election concerned may, notwithstanding the provisions of Article 30, Article 40, Article 42, paragraph 3, Article 43 and Article 44, be carried out at the election station at the same time with the affairs relating to the election meeting.

In the case where, in accordance with provisions of the preceding paragraph, the affairs relating to the counting of votes are executed together with the affairs relating to the election meeting, the superintendent for the counting of the votes or the inspector for the counting of the votes shall be assumed by the presiding officer of election or the inspector of election, and the particulars relating to the counting of the votes may be put down together in the record of election.

Article 49. The presiding officer of election shall, on the day in which he has, from all of the superintendents for the counting of the votes, received the reports prescribed in the provisions of Article 42, paragraph 3 or on the following day, hold an election meeting and investigate such reports and count the total number of votes obtained by each candidate in the presence of the inspectors of election.

In the case contemplated in the preceding Article, paragraph 1, notwithstanding the provisions of the preceding paragraph, the presiding officer of election shall count the total number of votes obtained by each candidate upon the result of investigation of the ballots.

If, in a case where another election has been held in consequence of the invalidation of a part of an election, the reports prescribed in the provisions of Article 42, paragraph 3 have been received, the presiding officer of election shall, in conformity to the provisions of paragraph 1, further investigate the same and count the total number of votes obtained by each candidate with such report relating to the other part of the election.

Article 50. The presiding officer of election shall prepare a record of election in which he shall write down the particulars relating to the election meeting and attach his signature thereto together with the signatures of the inspectors of election.

The record of election shall, during the term of

office of the assemblymen of the ordinary local public body or its chief, be preserved together with documents relating to a report prescribed in the provisions of Article 42, paragraph 3, by the election administration committee which administers the affairs relating to the election concerned

In the case contemplated in Article 40, the election administration committee which administers the affairs relating to the election concerned, shall differentiate the validity and invalidity of the votes and together with the record of the poll and the record of the election, preserve them during the term of office of the assemblymen of the ordinary local public body concerned or its chief

Article 51 The provisons of the principal clause of Article 36, paragraph 1 shall be applied mutatis mutandis to the election meeting

Article 52 The provisions of Article 60, Article 63 [illegible]

body

Section VI Candidates and Elected Persons

Article 53 Any person who purports to be a candidate, shall, during the period between the day on which public notice of the date of election has been given and the seventh day prior to the date of election, file application to the effect with the presiding officer of election

If a person whose name has been entered in the electors' register purports to cause another person to become a candidate, he may, upon obtaining the consent of that person and within the period contemplated in the preceding paragraph, file notice of recommendation for that person

In a case where the number of the candidates who have filed or have been filed within the period contemplated in the preceding two paragraphs, exceeds the fixed number of assemblymen at the election with respect to an election of assemblymen of an ordinary local public body, are two or more with respect to an election of the chief of an ordinary local public body, and any of the candidates dies or withdraws his candidacy after the period has elapsed, any person shall file or be filed through recommendation in accordance with the preceding two paragraphs until the third day prior to the date of election in the case of an election of the assemblymen or the chief of the metropolis, district or urban or rural prefecture and a city, and until the second day prior to the date of election in the case of an election of the assemblymen or the chief of a town or village

If, in a case where there are two or more candidates [illegible]

of candidacy of any of the candidates up to the day prior to the date of election, the date of election shall be postponed until the fifth day from the date for which public notice has been given in accordance with the provisions of Article 24, paragraph 4 or 5 In this case, the election administration committee which administers the affairs relating to the election concerned shall forthwith give public notice to that effect

If, in a case where the election of the metropolis, district or urban or rural prefecture and the election of the mayor of a city, town or village are to be held simultaneously, in accordance with the provisions of Article 25, paragraph 3, there occurs an event provided for in the preceding paragraph with respect to the election of the mayor of the city, town or village, the election administration committee of a city, town or village shall forthwith report the fact thereof to the election administration committee of the metropolis, district or urban or rural prefecture

If, in a case where the election of the governor of the metropolis, district or urban or rural prefecture and the election of the mayor of a city, town or village are to be held simultaneously, when it has become known that with respect to the election of the governor of the metropolis, district or urban or rural prefecture, there occurs an event provided for in the provisions of paragraph 4, and that with respect to the election of the mayor of a city, town or village, through the report provided for in the preceding paragraph that there has occurred also an event provided for in the provisions of paragraph 4, the election adminstration committee of the metropolis, district or urban or rural prefecture shall postpone the date of election and cause the elections to be held simultaneously within seven days from the date of the submission of such (if there are two or more reports, from the date of the last report) In this case such date shall be given public notice at least on or before the fifth day prior to the date of election

In a case where the elections of the ordinary local public bodies are to be held simultaneously in accordance with the provision of Article 25, paragraph 1 or 3, the necessary matters shall, in respect to a case where there occurs an event provided for in the provisions of paragraph 4, concerning an election of the chief of an ordinary local public body, be provided for by Cabinet Order, except the case which falls under the provisions of the preceding paragraph

In the case mentioned in paragraphs 4 and 6, the application of candidacy or of recommendation of candidacy may be filed in accordance with the provisions of paragraph 1 or 2, until the third day prior to the date of election in a case of election of the governor or the mayor of a city, and until the second day prior to the date of election in a case of the election of the mayor of a town or village from the date of public notice in accordance with the provisions of paragraphs 4 and 6

If there are electoral districts for the election of the members of the assembly of an ordinary local public body, any person who has become a candidate in one electoral district, shall not file application or candidacy or consent to the recommendation or candidacy in other electoral districts.

A candidate shall not withdraw his candidacy unless the application therefor is filed with the presiding officer of election.

If such applications as are provided for in the provisions of paragraphs 1 to 3 inclusive, paragraph 8 and the preceding paragraph, have been filed, or the death of a candidate has become known to the presiding officer of election, he shall forthwith give public notice thereof and at the same time report it to the election administration committee which administers the affairs relating to the said election.

Article 54. Any person who purports to file the application of candidacy or the recommendation of candidacy at the election of the assemblymen of the metropolis, district or urban or rural prefecture and a city or of their chief shall, for each candidate, deposit such amount of money as is in accordance with the following division or national loan bonds of a face-value equal to such amount:

1. Election of the governor of the metropolis, district or urban or rural prefecture—Five thousand yen.

2. Election of the mayor of a city—Three thousand yen.

3. Election of the assemblymen of the metropolis, district or urban or rural prefecture—Two thousand yen.

4. Election of the assemblymen of a city—One thousand yen.

If the number of votes obtained by a candidate is, with respect to the election of the assemblymen of the metropolis, district or urban or rural prefecture or a city, less than one-tenth of the number obtained by dividing the total number of the valid votes by the full number of the assemblymen (in a case where there is created no electoral district, the full number of the assemblymen) or is, with respect to the election of the governor of the metropolis, district or urban or rural prefecture or of the mayor of a city, less than one-tenth of the full number of the valid votes, the subject matter of deposit contemplated in the preceding paragraph shall revert to the metropolis, district or urban or rural prefecture or city concerned.

The provisions of the preceding paragraph shall, in a case where a candidate has withdrawn his candidacy within ten days prior to the date of election, be applied mutatis mutandis, except is a case where the withdrawal of his candidacy has been caused by reason that he has come to lose his eligibility for candidacy.

In a case of the election of the mayor of a town or a village, any person who purports to file the application of a candidate or the recommendation of candidacy shall effect the same under the joint signature of thirty or more electors.

Article 55. Persons who have polled the largest number of valid votes shall be the elected persons, provided that they shall be required, in a case of the election of the assemblymen of an ordinary local public body, to have polled one-fourth or more of the number of the votes obtained by dividing the total number of the valid votes by the full number of the assemblymen in the electoral district concerned (if there is created no electoral district, the full number of the assemblymen) or in a case of the election of the chief of an ordinary local public body, to have polled three-eighths or more of the total number of the valid votes.

If, in determining the elected person the number of votes is equal, the presiding officer of election shall, at the election meeting, determine him by the drawing of lots.

Article 56. In a case where, in consequence of a filing of an objection, an appeal, or an action in accordance with the provisions of Article 66, paragraph 1, 2 or 4, it is possible to determine the elected person without holding another election, an election meeting shall be held and such an elected person shall be determined thereat.

If an elected person has declined his election, or he has died, or he has ceased to be an elected person in accordance with the provisions of Article 57, an election meeting shall forthwith be held and an elected person shall be determined from among the persons who, notwithstanding their having polled such number of votes as is provided for in the proviso to paragraph 1 of the preceding Article, or who, notwithstanding their having polled such number of votes as is provided for in paragraph 11, of Article 65, have not been elected.

If, in a case where an event contemplated in Article 62, paragraph 1, items 5 to 7 inclusive has occurred before the time limit provided for in Article 60, paragraph 1, there is a person who has polled such number of votes as is provided for in the proviso to paragraph 1 of the preceding Article, or a person who has polled the number of votes as falling under its provisions of Article 65, paragraph 11, or if, in a case where the said event has occured after the time limit there is a person who has polled such number of votes and falls under the provisions of paragraph 2 of the preceding Article or paragraph 11 of Article 65, an election meeting shall be held and an elected person shall be determined from among such persons.

If, in the cases contemplated in the preceding three paragraphs a person who, notwithstanding his having polled such number of votes as is provided for in the proviso to paragraph 1 of the preceding Article, has not been elected, or who, notwithstanding his having polled such number of votes and falls under the provisions of paragraph 2 of the preceding Article or paragraph 11 of

Article 65, has not been elected, has ceased to be qualified for being elected after the date of election, he shall not be determined to be an elected person

Article 57 A duly elected person shall, if he has come to lose his eligibility, cease to be an elected person

Article 58 In the election of the assemblymen of an ordinary local public body if the number of the candidates of whom the applications in accordance with the provisions of Article 53, paragraphs 1 to 3 inclusive have been filed does not exceed the full number of the assemblymen at the concerned election, or in the election of the chief of an ordinary local public body, the number of the candidates of whom the applications have been filed in accordance with the provisions of paragraph 1 to 3 inclusive or 8 of the same Article is one, no poll shall be taken

If in a case where the elections are to be held simultaneously in accordance with the provisions of Article 25, paragraph 1 or 3, an event contemplated in the preceding paragraph has occurred, that part of the poll relating to such election as is concerned with such event shall not be taken

In a case where no poll has come to be taken in accordance with the provisions of the preceding two paragraphs, the presiding officer of election shall, in a case of election of the metropolis, district or urban or rural prefecture, through the election administration committee of a city, town or village, in a case of election of a city, town or village, by himself forthwith inform the superintendent of the poll to the effect and at the same time give public notice thereof and report the same to the election administration committee which administers the affairs relating to the election concerned

The superintendent of the poll shall, in a case where he has received a notice contemplated in the preceding paragraph, forthwith give public notice thereof

In the case contemplated in paragraph 1 or 2, the presiding officer of election shall hold an election meeting within five days from the date of election and determine the candidates to be duly elected

In the case contemplated in the preceding paragraph, the eligibility of a candidate shall, upon asking for the views of the inspectors of election, be determined by the presiding officer of election

Article 59 When the elected persons have been determined, the presiding officer of election shall forthwith report the addresses, full names and the number of votes polled by the elected persons, respective total number of each candidate in such election and such other particulars as are concerned with the election to the election administration committee which administers the affairs relating to the election concerned

When the report contemplated in the preceding paragraph has been made, the election administration committee which administers the affairs relating to the election concerned, shall forthwith notify the elected persons of their having been elected, and give public notice of the addresses and full names of the elected persons In the case of the election of a city, town or village, the same shall be also reported to the election administration committee of the metropolis, district or urban or rural prefecture

If there exists no person duly elected, or if the number of the elected persons at the election of the assemblymen of an ordinary local public body is less than the full number of the assemblymen to be elected thereat, the presiding officer of election shall forthwith report the fact thereof to the election administration committee which administers the affairs relating to the election concerned

When the report contemplated in the preceding paragraph has been made, the election administration committee which administers the affairs relating to the election concerned, shall forthwith give public notice to that effect, and also, in the case of the election of a city, town or village, report the same to the election administration committee of the metropolis, district or urban or rural prefecture

Article 60 In a case where an elected person purports to decline to accept office, he shall, within ten days from the day on which he has received the notification of his having been duly elected, file notice to that effect with the election adminstration committee which administers the affairs relating to the election concerned

If an elected person fails to file notice of his declination to accept the office within the term contemplated in the preceding paragraph, he shall be deemed to have accepted office

If an elected person is in office contemplated in Article 92 or Article 141, or has any connection with the ordinary local public body concerned contemplated in Article 142 he shall file notice to the effect that he has resigned the office contemplated in Article 92 or Article 141 or that he has come to have no connections contemplated in Article 142 If he fails to file notice thereof within the term contemplated in paragraph 1, he shall be deemed to have declined to accept office

A government official who has been elected, shall not accept office without having obtained the approval of the superior in charge

If he fails to file notice to the effect that he has received the approval of the superior in charge within the term contemplated in paragraph 1, he shall be deemed to have declined to accept office

Article 61 In a case where the term contemplated in paragraph 1 of the preceding Article has elapsed, or an elected person has accepted office, the election admini- [illegible]

If no elected person has come to remain, or in a case

of the election of the assemblymen of an ordinary local public body, the number of the elected persons has come to be less than the full number of the assemblymen to be elected at such election, the election administration committee which administers the affairs relating to the election concerned, shall forthwith give public notice thereof.

In the case contemplated in the preceding two paragraphs, the election administration committee which administers the affairs relating to the election concerned shall forthwith make a report to that effect in accordance with the following divisions:

1. In the case of the election of the governor of the metropolis, district or urban or rural prefecture: to the Prime Minister.

2. In the case of the election of the assemblymen of the metropolis, district or urban or rural prefecture: to the governor of a metropolis, district or urban or rural prefecture.

3. In the case of the election of the mayor of a city, town or village: to the governor of a metropolis, district or urban or rural prefecture and the election administration committee of a metropolis, district or urban or rural prefecture.

4. In the case of the election of the assemblymen of a city, town or village: to the governor of a metropolis, district or urban or rural prefecture and the election administration committee of a metropolis, district or urban or rural prefecture and the mayor of a city, town or village.

Section VII. Extraordinary Elections

Article 62. In a case where any of the following events have occurred, the election administration committee which administers the affairs relating to such election of the assemblymen of an ordinary local public body or of its chief as is mentioned below, shall determine the date of election, give public notice thereof and shall cause another election to be held, if, in respect to the election of the assemblymen of an ordinary local public body, elected persons cannot be determined without holding another election or the shortage of elected persons together with such number of vacancies of the assemblymen as is mentioned in Article 63, paragraph 1 has come, notwithstanding that elected persons have been determined without holding another election, to exceed one-sixth of the full number of the assemblymen for the electoral district concerned (in a case where there is no electoral district, the full number of the assemblymen), or if, in respect to the election of the chief of an ordinary local public body, an elected person cannot be determined without holding another election, provided that this shall not apply when public notice is given of the date of election through other reasons specified below concerning one and the same person or in accordance with the provisions of Article 63, paragraph 1.

1. If no person is duly elected, or if the number of the elected persons is, in a case of the election of the assemblymen of an ordinary local public body, less than the full number of the assemblymen to be elected at that election;

2. If an elected person has declined to accept office, or if he has died;

3. If an elected person has lost his election through the provisions of Article 57;

4. If, in consequence of filing of objection, appeal or an action in accordance with the provisions of Article 66, paragraph 1, 2 or 4, no person remains duly elected, or the number of the elected persons fails, in a case of the election of the assemblymen of an ordinary local public body, to come to the full number of the assemblymen to be elected at that election;

5. If, in consequence of filing an action in accordance with the provisions of Article 68, paragraph 1, the election of an elected person has come to be null and void;

6. If a person who has had a general control of the election campaign of an elected person has been sentenced to punishment on conviction of such offense as is concerned with elections and the election of an elected person has come to be null and void;

7. If an elected person has been sentenced to punishment on conviction of such offense as is concerned with elections and his election has come to be null and void.

An election contemplated in the preceding paragraph shall not be held during the period of the filing of objection, during the period within which the decision on objection or appeal is pending, in accordance with the provisions of Article 66 paragraph 1, 2, or 4, or in a case where an action has been brought is still pending in court.

If such event as falls under any of the items of paragraph 1 has occurred within six months prior to the expiration of the term of office of the assemblymen of an ordinary local public body, the election contemplated in the same paragraph shall not be held except in case where the number of the assemblymen has come to be less than two-thirds of their full number.

Even if the shortage of elected persons together with the number of vacancies of the assemblymen of an ordinary local public body mentioned in Article 63 paragraph 1, does not exceed one-sixth of the full number of the assemblymen of the electoral district concerned (when there is no electoral district, the full number of the assemblymen) when there is another election of an ordinary local public body in that district, an election may be held simultaneously therewith.

Article 63. If, in a case where vacancies have occurred in the office of the assemblymen of an ordinary local public body, it is unable to determine the elected person without election or even if in a case elected persons are determined without election the number of such vacancies together with such shortage of the number of elected

persons as is mentioned in paragraph 1 of the preceding Article has come to exceed one-sixth of the full number of the assemblymen to be elected in the electoral district concerned (when there is no electoral district, the full number of the assemblymen), or if a vacancy has come to occur in the office of the chief or an ordinary local public body or such person has made a declaration of resignation, the election administration committee which adminsters the affairs relating to the election concerned, shall determine the date of election, give public notice thereof and cause the election to be held, except in a case where, with respect to one and the same person, the date of election has been given public notice in accordance with the provisions of paragraph 1 of the preceding Article

If, in a case where, before the time limit contemplated in Article 60, paragraph 1, a vacancy has occurred in the office of an assemblyman of an ordinary local public body or in the office of the chief of an ordinary local public body or the chief has made a declaration of resignation, there is a person who, having polled such number of votes as is provided for in the provisions of the proviso to paragraph 1 of Article 55 or having polled such number of votes falls under the provisions of paragraph 11 of Article 65, has not been elected or, if, in a case where, after the time limit, such events have occurred, there is a person who, having polled such number of votes as is provided for in the provisions of Article 55, paragraph 2 or of Article 65, paragraph 11, has not been elected, an election meeting shall forthwith be held and elected persons be determined therefrom In this case, the provisions of Article 56, paragraph 4 shall mutatis mutandis be applied

The provisions of paragraph 2 of the preceding Article shall mutatis mutandis be applied respectively to the election contemplated in the provisions of paragraph 1 and to the election of the assemblymen of an ordinary local public body contemplated in the provisions of paragraph 1

Article 64 If, in a case where, with respect to the assemblymen of an ordinary local public body or the elected persons at the election of such assemblymen, any of the events contemplated in Article 62 paragraph 1 or paragraph 1 of the preceding Article has occurred, there is or has come to remain no assemblyman or elected person, a general election shall be held, notwithstanding these provisions, except in a case where, with respect to any of these events, public notice of an election in accordance with the provisions of Article 62, paragraph 1 or paragraph 1 of the preceding Article or public notice of an election meeting in accordance with the provisions of Article 56, paragraphs 1 to 3 inclusive or paragraph 2 of the preceding Article has been given

The provisions of Article 62 paragraph 2 shall be applied mutatis mutandis to the general election contemplated in the preceding paragraph

In a case where such elections contemplated in [illegible]

one election shall be held by means of uniting the elections concerned

Article 65 If, in the case of an election of the chief of an ordinary local public body, there is no person who has polled such number of votes as is provided for in the proviso to paragraph 1 of Article 55, another election shall be held, within fifteen days, with respect to the election of the governor of metropolis, district or urban or rural prefecture, or within the days, with respect to the election of the mayor of a city, town or village, from the date of public notice provided for in Article 59, paragraph 4, *notwithstanding the provisions of Article 24*, paragraphs 1, 4 and 5 and Article 62, paragraph 1 In this case, two persons who have polled the majority of valid votes at that election shall be the candidates, notwithstanding the provisions of Article 53, paragraphs 1 to 3 inclusive or 8, and Article 54, paragraph 1, item 1 or 2 or paragraph 4

In a case where the election of governor of a metropolis, district or urban or rural prefecture and the election of mayor of a city, town or village are held simultaneously in accordance with the provisions of Article 25, paragraph 3, if both such elections fall under the provisions of the preceding paragraph, the elections shall be held simultaneously, within fifteen days from the date of public notice in accordance with the provisions of Article 59, paragraph 4 relating to the election of governor of the metropolis, district or urban or rural prefecture, on a date determined by the election administration committee of the metropolis, district or urban or rual prefecture

In the case contemplated in the preceding two paragraphs, the election administration committee shall give public notice of the date of election on or before the fifth day prior to the date of election

In the case contemplated in the provisions of paragraph 1, in determining the two candidates, when the two cannot be determined by the number of votes obtained owing to the equality of votes obtained, the election administration committee shall determine by the drawing of lots

In the case of the election of paragraph 1, when the number of candidates have become one owing to death or withdrawal from candidacy of any of the candidates, between the date on which public notice has been given in accordance with the provisions of paragraph 3 and the date of election, the date of election shall, notwithstanding the provisions of paragraph 1, be postponed till the fifth day after the date for which public notice was given in accordance with the provisions of paragraph 3 In this case the election adminstration committee which administers the affairs relating to the election concerned

shall forthwith give public notice to that effect.

If, in a case where the election of the governor of the metropolis, district or urban or rural prefecture and the election of the mayor of a city, town or village shall be held simultaneously in accordance with the provisions of Article 25, paragraph 3, there has occurred any event contemplated in the preceding paragraph, the election administration committee of a city, town or village shall forthwith make a report to that effect to the election adminstration committee of the metropolis, district or urban or rural prefecture.

When it comes to the knowledge of the election administration committee of a metropolis, district or urban or rural prefecture that, with respect to an election of a governor of the metropolis, district or urban or rural prefecture, there has occurred an event which is provided for in paragraph 5 and that with respect to the election of a mayor of a city, town or village an event has occurred which is provided for in paragraph 5 through a report prescribed in the preceding paragraph, the election administration committee of the metropolis, district or urban or rural prefecture shall postpone the date of election and cause the election to be held simultaneously within seven days from the date on which the report was made (if there are more than two reports from the date of the latest report). In this case, the date shall be given public notice at least five days prior to such date.

In a case where the election of the governor of the metropolis, district or urban or rural prefecture and the election of a city, town or village shall be held simultaneously in accordance with the provisions of Article 25, paragraph 3, if, with respect to any of the elections, there occurs an event which is provided for in paragraph 5, necessary matters concerned therewith shall be provided for in Cabinet Order.

In the case contemplated in paragraphs 5 and 7, or in the election contemplated in paragraph 1, if the number of the candidates has become one owing to death or withdrawal of candidacy before the date of which public notice was given in accordance with the provisions of paragraph 3, such one candidate and the person who has not become a candidate through the provisions of paragraphs 1 or 4 and who has polled the majority of valid votes at the election shall be the candidates. When the candidate cannot be determined by the number of votes obtained owing to equality of votes obtained, the election administration committee shall determine by the drawing of lots.

In the case of the election contemplated in paragraph 1, notwithstanding the provisions of the proviso to Article 55, paragraph 1, a person who has polled a majority of valid votes shall be determined to be duly elected.

In the case of the election contemplated in paragraph 1, notwithstanding the provisions of the proviso to Article 55, paragraph 1, a person who has polled a majority of valid votes shall be determined to be duly elected.

In a case where the candidates at the election contemplated in paragraph 1 have polled an equal number of votes, the presiding officer of election shall, notwithstanding the provisions of the preceding paragraph, determine a duly elected person by the drawing of lots with respect to the election contemplated in paragraph 1, when there has occurred an event contemplated in paragraph 5, or when the number of candidates has become one owing to death or withdrawal of candidacy of candidates before the date for which public notice was given in accordance with the provisions of paragraph 3, there has come to be no one to become a candidate in accordance with the provisions of paragraph 9, or, when there has come to be only one candidate owing to the death or withdrawal of candidacy of one of the candidates provided for in the same paragraph, no poll shall be taken. In this case the provisions of Article 58, paragraphs 2 to 6 inclusive shall mutatis mutandis be applied.

With respect to the application of the provisions of Article 30 paragraph 10 in the election mentioned in paragraph 1 or Article 40 or 47 in which the provisions are applied mutatis mutandis, "three persons" mentioned in these provisions shall read "two persons."

Section VIII. Actions

Article 66. An elector or candidate who has an objection to an election or to the validity of an election may, in the case of the election on the date of election, and in the case of the validity of election within fourteen days from the date of public notice contemplated in Article 59, paragraph 2 or 4, file the same to the election administration committee which administers the affairs relating to the election concerned.

Any person who is aggrieved by the determination of the election administration committee of a city, town or village provided for in the preceding paragraph, may make an appeal to the election administration committee of metropolis, district or urban or rural prefecture.

The determination in accordance with paragraph 1 and the decision in accordance with the preceding paragraph shall be effected in writing and handed to the applicant with the reason attached thereto at the same time making an announcement of the purport thereof.

Any person who is aggrieved by the determination of the election administration committee of metropolis, district or urban or rural prefecture in accordance with paragraph 1 or by the decision in accordance with paragraph 2, may bring an action in the higher court within thirty days from the date on which he has received the written determination or the written decision or from the date of the announcement provided for in the preceding paragraph.

In regard to the election of the chief of an ordinary local public body, in a case where an election in accord-

ance with paragraph 1 of the preceding Article is held, the period mentioned in paragraph 1 shall be computed from the date of election contemplated in paragraph 1 of the preceding Article or from the date of announcement contemplated in Article 59, paragraph 2 or 4 relating to the said election

In respect to an action relating to the election of the chief of an ordinary local public body, efforts must be made to give the decision to an appeal within 60 days from the date on which it was accepted and to give the judicial decision to an action within 100 days from the date on which it was brought to the court

The provisions of Article 141 and Article 141-3 of [illegible]

[illegible] istration committee of the city, town or village provided for in paragraph 1, no appeal may be made to the courts until after the decision provided for in paragraph 2 has been received

Article 67 In a case when a contravention of the provisions relating to the elections has been committed, the election administration committee or the courts shall determine or decide the whole or a part of the election to be void, only when there is a fear that it will effect charges in the result of the elections

Article 68 An elector or candidate who considers the election of a person to be null and void in accordance with the application mutatis mutandis of the provisions of Article 110 of the Law concerning the Election of the Members of the House of Representatives, may, within thirty days from the date of announcement provided for in Article 59, paragraph 2, bring an action against an elected person as defendant in the higher court, whose area of jurisdiction extends over the area of the ordinary local public body to which the election administration committee which administers the affairs of the election concerned belongs

If a public procurator considers, by reason of the fact that the person accused of an offense to which the provisions of Articles 112 to 113 inclusive of the Law concerning the Election of the Members of the House of Representatives are applied mutatis mutandis, is the very person who has virtually had a general control of the election campaign, that the election of a person shall be null and void in accordance with the application mutatis mutandis of provisions of Article 136 of the same Law, he shall bring an action against the elected person as defendant incidentally to the original action

The provisions of Article 141, and Article 141-3 of the Law concerning the Election of the members of the House of Representatives and Article 141-2 and Article 141-3 shall respectively be applied mutatis mutandis to the public action provided for in paragraph 1 and that of preceding paragraph

Article 69 The court shall, at the trial of an action contemplated in the provisions of Article 66, paragraph 4 or in paragraph 1 of the preceding Article, cause a public procurator to be present at the oral proceeding

Article 70 In a case where an action in accordance with the provisions of Article 66, paragraph 4 is brought or has not been pending in the court or a court decision has been given with request to such action or with respect to such action or with respect to an action contemplated in the provisions of Article 68, paragraph 1, or a decision has been fixed and has come into force with respect to an action under the provisions of Article 68, paragraph 2, the court shall, through the chief of the ordinary local public body concerned, inform the election administration committee which administers the affairs relating to the election concerned

Article 71 Any person who purports to bring an action contemplated in the provisions of Article 68, paragraph 1 shall deposit with the competent authorities, as guarantee money 300 yen or national loan bonds of face value equal to such amount

If, in a case where the plaintiff has lost the case, he has failed to pay the judicial costs in full within seven days from the day on which a judgment has become final, the guarantee money shall be appropriated to defray such judicial costs and, if there still remains a deficit, such deficit shall be refunded

Section IX Election Campaigns and Punitive Rules

Article 72 The provisions of Chapter X, XI, and Article 140, paragraph 2 of the Law concerning the Election of the Members of the House of Representatives shall be applied mutatis mutandis to the election campaigns in the election of the assemblymen and the chief of an ordinary local public body, and the provisions of Article 140, paragraphs 3 to 5 inclusive of the same Law shall be applied mutatis mutandis to the election campaigns in the election of the governor of the metropolis, district or urban or rural prefecture, provided that the special provisions may be provided for by Cabinet Order duly authorized by Law

The provisions of the proviso to Article 90 of the Law concerning the Election of the Members of the House of Representatives shall, notwithstanding the provisions of the preceding paragraph, not be applied mutatis mutandis to the election of the assemblymen of the metropolis, district or urban or rural prefecture and of the assemblymen and the chief of a city, town or village

The metropolis, district or urban or rural prefecture which may establish up to five election offices in the election of the governor of the metropolis, district or urban or rural prefecture in accordance with the provisions of the proviso to Article 90 of the Law concerning the Election of the Members of the House of Representatives being applied mutatis mutandis in paragraph 1, and the number of such election offices shall be determined for by

the National Election Management Commission.

Article 73. The provisions of Chapter XII, Article 142, 143 and 147 of the Law concerning the Election of the Members of the House of Representatives shall be applied mutatis mutandis to the election of the assemblymen and the chief of an ordinary local public body; provided that special provisions may be provided for in Cabinet Order duly Authorized by Law.

Chapter V. Direct Demands

Section 1. Demands for Enactment of bylaws and for Inspections

Article 74. In accordance with the provisions of Cabinet Order duly authorized by Law, the persons who have the right to vote may, under the joint signature of such persons who come to one-fiftieth or more of their total number and through their representatives, make to the chief of an ordinary local public body a demand for the enactment, amendment or abolition of bylaws.

In a case where the demand contemplated in the preceding paragraph has been made, the chief of an ordinary local public body concerned shall forthwith make public the purport of the demand.

The chief of an ordinary local public body shall within twenty days from the day on which he has received the demand contemplated in the first paragraph, call the assembly and present thereat the demand as accompanied by his opinion thereon for consideration and shall inform the representatives contemplated in the same paragraph of the result at the assembly and at the same time make public the same.

Such persons who have the right to vote contemplated in paragraph 1, shall be those persons who are entered in the elector's register on the date of the confirmation of the same, and the number of such persons corresponding to one-fiftieth of their total number shall, forthwith after the confirmation of the elector's register, be given public notice by the election administration committee of the ordinary local public body concerned.

Article 75. *In accordance with the provisions of* Cabinet Order duly authorized by Law, the persons who have the right to vote may, under the joint signature of such persons who come to one-fiftieth or more of their total number and through their representatives, make to the inspection commissioners of the ordinary local public bodies a demand for the inspection of the management of any enterprise carried on by the ordinary local public body concerned, the revenue and expenditure, the administration of any other affairs of the ordinary local public body concerned, and the administration of the affairs which belong to the powers of the chief of the ordinary local public body concerned.

In a case where the demand contemplated in the preceding paragraph has been made, the inspection commissioners shall forthwith make public notice of the purport of the demand.

The inspection commissioners shall carry out inspection with respect to such matters as are concerned with the demand contemplated in paragraph 1, inform the representatives contemplated in the same paragraph of the result and make public notice of the same and report it to the assembly and the chief of the ordinary local public body concerned.

In a city, town or village which has no inspection commissioner, the demand contemplated in paragraph 1 shall be made to the mayor of the city, town or village, and the functions of the inspection commissioners contemplated in the preceding two paragraphs shall, except for those relating to the report to the chief of the ordinary local public body concerned, be executed by the mayor of a city, town or village.

The provisions of paragraph 4 of the preceding Article shall be applied mutatis mutandis to those persons who have the right to vote contemplated in paragraph 1 and to the number corresponding to one-fiftieth of the total number thereof.

Section II. Demands for Dissolutions and for Dismissals

Article 76. In accordance with the provisions of Cabinet Order duly authorized by Law, the persons who have the right to vote may, under the joint signature of such persons who come to one-third or more of their total number and through their representatives, make to the election administration committee of an ordinary local public body a demand for the dissolution of the assembly of the ordinary local public body concerned.

In a case where the demand contemplated in the preceding paragraph has been made, the election administration committee shall forthwith make public notice of the purport of the demand.

In a case where the demand contemplated in paragraph 1 has been made, the election administration committee shall submit the same to the vote of the electors.

The provisions of Article 74, paragraph 4 shall be applied mutatis mutandis to those persons who have the right to vote contemplated in paragraph 1 and to the number of one-third of their total number.

Article 77. In a case where the result of the vote of the dissolution has become known, the election administration committee shall forthwith inform the representatives contemplated in paragraph 1 of the preceding Article and the chairmen of the assembly of the ordinary local public body concerned of the same, make public notice thereof and at the same time, report it to the governor and the Prime Minister in the case of a metropolis, district or urban or rural prefecture, and to the mayor of a city, town or village and to the governor of a metropolis, district or urban or rural prefecture in the case of the

city, town or village

Article 78 The assembly of an ordinary local public body shall, in a case where a majority has consented at the vote concerning the dissolution provided for in Article 76, paragraph 3, be dissolved on the day of public notice contemplated in the preceding Article

Article 79 A demand for the dissolution of the assembly of an ordinary local public body in accordance with the provisions of Article 76, paragraph 1, shall not be made within one year from the day on which a general election of its assemblymen has been held or within one year from the day on which the vote of dissolution in accordance with the provisions of paragraph 3 of the same Article has been taken

Article 80 In accordance with the provisions of Cabinet Order duly authorized by Law, the persons who have the right to vote may, under the joint signature of such persons as come to one-third or more of their total number in the electoral district to which they belong, and through their representatives, make to the election administration committee of an ordinary local public body a demand for the dismissal of such assemblymen of an ordinary local public body as belong to the electoral district concerned In this case, if there is no electoral district, the dismissal of the assemblymen may be demanded by the joint signature of one-third or more of the total number of persons having the right to vote

In a case where the demand contemplated in the preceding paragraph has been made, the election administration committee shall forthwith make public notice of the purport of the demand in the district concerned

When the demand contemplated in paragraph 1 has been made, the election administration committee shall submit the same to the vote of the electors of the electoral district concerned In this case, if there is no electoral district, it shall be submitted to the vote of all electors

The provisions of Article 74, paragraph 4 shall be applied mutatis mutandis to the persons who have the right to vote provided for in paragraph 1 and to the number of one-third of their total number

Article 81 In accordance with the provisions of Cabinet Order duly authorized by Law, the persons who have the right to vote may, under the joint signature of one-third or more of their total number and through their representatives, make to the election administration committee of an ordinary local public body a demand for the dismissal of the chief of the ordinary local public body concerned

The provisions of Article 74, paragraph 4 shall be applied mutatis mutandis to the persons who have the right to vote and the number of one-third of their total number, and the provisions of Article 76, paragraphs 2 and 3 shall be applied mutatis mutandis to the case contemplated in the preceding paragraph

Article 82 In a case where the result of the vote of the dismissal in accordance with the provisions of Article 80, paragraph 3 has become known, the election administration committee of an ordinary local public body shall forthwith inform the representatives contemplated in paragraph 1 of the same Article and the members concerned and the chairman of the assembly of the ordinary local public body concerned of the same and make public notice thereof and at the same time report it to the governor of the metropolis, district or urban or rural prefecture and the Prime Minister in the case of the metropolis, district or urban or rural prefecture and in the case of the city, town or village, to the mayor of the city, town or village and the governor of the metropolis, district or urban or rural prefecture

In a case where the result of the vote of the dismissal in accordance with the provisions of the preceding Article, paragraph 2 has become known, the election administration committee shall forthwith inform the representatives contemplated in paragraph 1 of the same Article and the chief and the chairman of the assembly of an ordinary local public body concerned of the same, and make public notice thereof, and at the same time report it, in the case of the metropolis, district or urban or rural prefecture and the city, to the Prime Minister, and in the case of the town or village, to the governor of the metropolis, district or urban or rural prefecture

Article 83 The assemblymen of an ordinary local public body and its chief shall vacate the office in a case where a majority has consented at the vote of the dismissal in accordance with the provisions of Article 80, paragraph 3 or Article 81, paragraph 2

Article 84 A demand for the dismissal of the assemblymen of an ordinary local public body or its chief in accordance with the provisions of Article 80, paragraph 1 or Article 81, paragraph 1 shall not be made within one year from the date on which he has assumed the office or within one year from the date of the vote for the dismissal in accordance with the provisions of Article 80, paragraph 3 or Article 81, paragraph 2 Provided, however, that the demand for the dismissal of the person who has been determined as the elected person in accordance with the provisions of Article 58, paragraph 5 and has become the assemblyman or chief of an ordinary local public body, may be made even within one year from the day on which he has assumed the office

Article 85 Except for those which are specially pro- [illegible]

In accordance with the provisions of Cabinet Order, the vote contemplated in the preceding paragraph shall be held simultaneously with the elections of ordinary local public bodies

Article 86. In accordance with the provisions of Cabinet Order, the persons who have the right to vote may, under the joint signature of such persons who come to one-third or more of their total number and through their representatives, make to the chief of an ordinary local public body a demand for the dismissal of the vice governor, deputy mayor, chief accountant, treasurer, member of the election administration committee, the inspection commissioner or member of the public safety commission of the city, town or village.

In a case where the demand contemplated in the preceding paragraph has been made, the chief of an ordinary local public body concerned shall forthwith make public notice of the purport of the demand.

In a case where the demand contemplated in paragraph 1 has been made, the chief of an ordinary local public body shall submit it to the assembly, and inform the representatives contemplated in the same paragraph and the persons concerned of the result, and make public notice thereof, and at the same time report it, in the case of the metropolis, district or urban or rural prefecture, to the Prime Minister, and in the case of the city, town or village, to the governor of the metropolis, district or urban or rural prefecture.

The provisions of Article 74, paragraph 4 shall be applied mutatis mutandis to the persons who have the right to vote contemplated in paragraph 1 and the number of one-third of their total number.

Article 87. Any person who holds any of such offices as are mentioned in paragraph 1 of the preceding Article shall lose his office, if, in the case contemplated in paragraph 3 of the same Article, two-thirds or more of the full number of the assemblymen of an ordinary local public body concerned have been present at its meeting and three-fourths or more of them have consented thereto.

Article 88. A demand for the dismissal of vice-governor, deputy-mayor, chief-accountant or treasurer in accordance with the provisions of Article 86, paragraph 1 shall not be made within one year from the day on which he has assumed the office and one year from the day on which the resolution of the assembly in accordance with the provisions of paragraph 3 of the same Article has been adopted.

A demand for the dismissal of member of the election administration committee, inspection commissioner or member of the public safety commission of the city, town or village shall not be made within six months from the day on which he has assumed his office and six months from the day on which the resolution of the assembly in accordance with the provisions of paragraph 3 of the same Article has been adopted.

Chapter VI. Assemblies

Section I. Organization

Article 89. An ordinary local public body shall have its assembly.

Article 90. The full number of the assemblymen of the metropolis, district or urban or rural prefecture shall be fortyin the case of the metropolis, district or urban or rural prefecture with a population of less then seven hundre d thousand, and shall be increased by one member of assembly respectively for each additional population of fifty thousand in the case of metropolis, district or urban or rural prefecture with a population of more than seven hundred thousand but less than one million and for each additional population of seventy thousand in the case of metropolis, district or urban or rural prefecture with a population more than one million and shall be limited to one hundred and twenty persons.

The full number of the assemblymen contemplated in the preceding paragraph shall not be increased or reduced except in a case where a general election is held.

Article 91. The full number of the assemblymen of a city, town or village shall be as follows, and shall be increased by four members respectively for each additional population of one hundred thousand in the case of a city with a population of three hundred thousand or more but less than five hundred thousand and for each additional population of two hundred thousand in the case of a city with a population of five hundred thousand or more, and shall be limited to one hundred, namely:

1. In the case of a town or village with a population less than two thousand — twelve;
2. In the case of a town or village with a population of two thousand or more but less than five thousand — sixteen;
3. In the case of a town or village with a population of five thousand or more but less than ten thousand — twenty-two;
4. In the case of a town or village with a population of ten thousand or more but less than twenty thousand — twenty-six;
5. In the case of a city with a population of less than fifty thousand or a town or village with a population of twenty thousand or more — thirty;
6. In the case of a city with a population of fifty thousand or more but less than one hundred and fifty thousand — thirty-six;
7. In the case of a city with a population of one hundred and fifty thousand or more but less than two hundred thousand — forty;
8. In the case of a city with a population of two hundred thousand or more but less than three hundred thousand — forty-four;
9. In the case of a city with a population of three hundred thousand or more — forty-eight.

The full number of the assemblymen contemplated

in the preceding paragraph may be especially reduced by bylaw

The alteration of the full number of the assemblymen contemplated in the preceding two paragraphs shall be not effected, except in the case of a general election

In a city, town or village where, owing to the disposition contemplated in the provisions of Article 7, paragraph 1 or 2, its population has conspicuously been increased or reduced, the full number of the assemblymen may, not withstanding the provisions of the preceding paragraph, be increased or reduced by bylaw even during the term of office of the assemblymen, provided that it may not be increased to exceed the full number of the assemblymen on the basis of its new population contemplated in paragraph 1

If, in a case where in accordance with the provisions

former number shall be determined to be the full number, however, if any vacancy occurs in the office of the assemblymen, the full number shall be reduced up to the said full number according as such vacancies occur

Article 92 A member of the assembly of an ordinary local public body shall not concurrently be a member of the House of Representatives or of the House of Councillors

A member of the assembly of an ordinary local public body shall not concurrently be a paid official of an ordinary local public body

Article 93 The term of office of a member of the assembly of an ordinary local public body shall be four years

The term of office contemplated in the preceding paragraph shall be computed from the date of the general election, provided that, in a case where a general election is held prior to the date of expiration of the term of office of a member of the assembly or an ordinary local public body, it shall be computed from the day following the date of the expiration of the term of his predecessor

A member of the assembly elected to fill a vacancy of member shall remain in office for the remainder of the term of his predecessor

Such assemblyman as has newly been elected owing to the alteration of the full number of the assemblymen shall hold office until the date of the expiration of the term of office of the assemblymen who have been elected

who have the right to vote

Article 95 With respect to the general meeting of a town or village in accordance with the provisions of the preceding Article, the provisions relating to the Assembly of a town or village shall be applied mutatis mutandis

Section II Powers

Article 96 The assembly of an ordinary local public body shall resolve such matters as follows

1 The enactment of bylaws or the alteration or abolition thereof,

2 The determination of the estimated annual revenue and expenditure,

3 The approval of a report of the final accounts,

4 Matters relating to the levy and collection of local taxes, rents, fees, alloted charges, entrance fees or statutory labor and actual articles, except those which are provided for in laws or cabinet orders duly authorized by laws,

5 Matters relating to the refund of money paid for local taxes, rents, fees, alloted charges, entrance fees or statutory labor and actual articles unlawfully levied or collected, except those which are provided for in laws and cabinet orders duly authorized by laws,

6 Matters relating to the creation, management and disposal of the permanent property, sinking funds and besides the reserve fund and gain and similar matters,

7 To take or dispose property determined by bylaws and to establish or dispose structures,

8 To assume new duties, to take by charged gift, grant, bequest or devise and to waive rights, except those which are provided for in the estimated annual revenue and expenditure,

9 To make contracts determined by bylaws,

10 Matters relating to filing of objection, appeal, action, reconciliation, intermeditation, arbitration and settlement of which the ordinary local public body is the person concerned,

11 To determine the amounts of compensation for damages which fall under its obligation by law,

12 Matters relating to the adjustment and coordination of the activities of the public bodies within the area of an ordinary local public body,

13 Any other matter falling under the jurisdiction of the assembly in accordance with laws or cabinet orders duly authorized by laws

An ordinary local public body may, except those which are provided for in the preceding paragraph, determine such matters as relate to the ordinary local public body to be resolved by its assembly, by means of bylaws

Article 97 The assembly of an ordinary local public body shall hold such elections as fall under its jurisdiction in accordance with laws or cabinet orders

The assembly may not be hindered in adopting a resolution to increase the amount with respect to an estimate of annual revenue and expenditure, provided that the powers of the chief of an ordinary local public body to submit a draft of the estimate of annual revenue and expenditure shall not be transgressed

Article 98 The assembly of an ordinary local public

body may inspect any of such documents and statements of accounts as relate to the affairs of the ordinary local public body concerned, and may, by demanding the reports of the chief of the ordinary local public body, examine the management of the affairs, the execution of the resolutions and the revenue and expenditure.

The assembly may require the inspection commissioners to inspect the affairs of the ordinary local public body concerned and demand the report of the result thereof.

Article 99. The assembly of an ordinary local public body may call the chief of the ordinary local public body concerned for his explanation relating to such affairs of the national government or other local public bodies or other public bodies as are delegated to the chief of an ordinary local public body or may express its opinion thereon.

The assembly may, with respect to such matters as are related to the public benefit of the ordinary local public body concerned, send in a written report of its opinions to the administrative offices concerned.

Article 100. The assembly of an ordinary local public body may make investigations relating to the affairs of the ordinary local public body concerned and may demand the appearance and testimony of electors or other persons concerned and the presentation of records.

In a case where the assembly demands the testimony of electors or other persons concerned for the purpose of the investigation relating to the affairs of the ordinary local public body concerned, the provisions of the laws and ordinances concerning the inquiry of witnesses contemplated in the Civil Procedure Code shall, except for those which are specially provided for in this Law, be applied mutatis mutandis, provided that this shall not apply to the provisions relating to detention or administrative fine.

If an elector or other person concerned to whom a demand has been made to appear or to present records in accordance with the provisions of paragraph 1, fails to appear before the assembly or to present records or refuses to give the testimony without just reasons, he shall be punished by imprisonment without hard labor not exceeding six months, or by fine not exceeding five thousand yen.

In a case where the assembly has received a request from an elector or other person concerned with respect to the facts which have been obtained by such person as a government or local public official, that such facts belong to the category of confidential nature in his official capacity, it shall not demand the testimony or the presentation of records relating to such facts without the consent of the government or public office concerned; in this case, when the government or public office concerned refuses to give the consent, the reason therefor shall be explained by the office.

If it is considered that the explanation provided for in the preceding paragraph is without reason, the assembly may demand the office concerned to make a statement that the said testimony or the presentation of records is contrary to the public interest.

In a case where the government or public office concerned does make a statement to that effect within 20 days from the date on which the demand contemplated in the preceding paragraph has been made, the elector or other person concerned shall give the testimony or present the records to the assembly.

In a case where an elector or other person concerned who has taken an oath in accordance with the provisions of laws and ordinances relating to the Civil Procedure which are applied mutatis mutandis in paragraph 2, makes a false statement, he shall be punished by imprisonment without hard labor for a term of three months or more but not exceeding five years.

In a case where a person who has committed the crime contemplated in the preceding paragraph has confessed before a resolution has been adopted in the assembly to the effect that the investigation has been terminated, his punishment may be reduced or exempted.

In a case where it is considered that any elector or other person concerned has committed the crime contemplated in paragraph 3 or 7, the assembly shall bring an indictment against the same; provided that in such a case where an elector or other person concerned who has made a false statement has made a confession prior to the resolution of conclusion of the investigation, the assembly may dispense with such action.

In a case where the assembly has, for the purpose of making the investigations in accordance with the provisions of paragraph 1, sent inquiries to bodies within the area of the ordinary local public body concerned, or asked the same to forward records, the bodies concerned shall comply with such request.

In a case where the assembly makes investigations contemplated in the provisions of paragraph 1, the assembly shall previously decide, within the scope of the budget, the amount of expenditure required for such investigation. When it is necessary to expend in excess of such amount, it shall require a further resolution of the assembly.

The Government shall send official gazettes and publications issued by the Government to assemblies of the metropolis, district or urban or rural prefecture, and send official gazettes and those publications issued by the Government as are deemed specially relevant to cities, towns and villages to the assemblies of cities, towns and villages.

The metropolis, district or urban or rural prefecture shall send to assemblies of cities, towns or villages within the area of the metropolis, district or urban or rural prefecture and to the assemblies of other metropolis, district or urban or rural prefectures public gazettes and such other publications as are deemed appropriate.

The assembly shall establish a library to serve for the investigation and study of the assemblymen, and it shall be an official despository for official gazettes, public gazettes and publications which have been sent in accordance with the preceding two paragraphs

The library mentioned in the preceding paragraph may be open to the public in general

Section III Convocation and Term

Article 101 An assembly of an ordinary local public body shall be called by the chief of the ordinary local public body In a case where such demand for calling an extraordinary session as has specified the matter proposed to be transacted thereat, has been made by one-fourth or more of the full number of the assemblymen, the chief of an ordinary local public body shall call the same

The notice of the calling of a meeting shall be given on or before seventh day prior to the day appointed for the opening of the session in the case of metropolis, district, urban or rural prefecture or city, or on or before third day prior to the day appointed for the opening of the session in the case of town or village, except in cases where an expeditious action is required to be taken

Article 102 The session of the assembly of an ordinary local public body shall be regular session and extraordinary session

A regular session shall be called six times or more each year

An extraordinary session shall be called whenever necessary, for the transaction of a particular matter

The chief of an ordinary local public body shall beforehand give public notice of the matters proposed to be transacted at an extraordinary session

While an extraordinary session is held, if a matter which demands an expeditious transaction has arisen, it may immediately be referred thereat, notwithstanding the provisions of the preceding two paragraphs

Matters concerning the length of session, adjournment thereof, opening or closing of the assembly of an ordinary local public body shall be determined by the assembly

Section IV Chairman and Vice-Chairman

Article 103 The assembly of an ordinary local public body shall elect one chairman and one vice-chairman from among the assemblymen

The term of the office of chairman and vice-chairman shall be the same as that of the assemblymen

Article 104 The chairman of the assembly of an ordinary local public body shall keep order at the assembly hall, arrange the proceedings, preside over the affairs of the assembly and represent the assembly

Article 105 The chairman of the assembly of an ordinary local public body may attend the sessions of the committees and speak thereat

Article 106 In the event of any disability on the part of the chairman or the vacancy in the chair thereof of assembly of an ordinary local public body, the vice-chairman shall perform the duties devolving upon the chairman

In the event of a disability on the part of both the chairman and the vice-chairman, an acting chairman shall be elected and shall be caused to perform the duties devolving upon the chairman

The assembly may delegate to the chairman the appointment of an acting chairman

Article 107 If, in a case where an election prescribed in the provisions of Article 103, paragraph 1 and paragraph 2 of the preceding Article is to be held, there is no person to perform the duties devolving upon the chairman, a senior assemblyman shall provisionally perform the duties devolving upon the chairman

Article 108 The chairman and the vice-chairman of the assembly of an ordinary local public body may, upon obtaining the approval of the assembly, retire from office, provided that, while the assembly is not in session, the vice-chairman may, upon obtaining the approval of the chairman, retire from his office

Section V Committees

Article 109 The assembly of an ordinary local public body may, by bylaws, create standing committees

Standing committeemen shall be selected by the assembly at the beginning of its session and hold office during the term of office of the assemblymen, unless otherwise provided for by bylaws

Standing committees may be created for each division relating to the affairs of an ordinary local public body

Standing committees shall investigate such affairs of an ordinary local public body as fall within its division and inquire into bills, representations, etc

Standing committees may, with respect to budgets and other important bills, representations, hold a public hearing and hear the opinions of such persons as have really an interest in the matters or of men of special knowledge and experience

Standing committees shall inquire into matters specially referred to them by the resolution of the assembly even when the assembly is not in session

Article 110 Special committees may be created by the assembly of an ordinary local public body by bylaw

Special committeemen shall be selected by the assembly and hold office while the matter referred to the committee is being deliberated or investigated upon by the assembly.

Special committees shall deliberate upon matters referred to them by the resolution of the assembly only during the session of the assembly, provided that it shall not be precluded from investigating and deliberating upon matters specially referred to it by the resolution of the assembly even when the assembly is not in session

Article 111 Except for those provided for in the pre-

ceding two Articles, such matters as are necessary for the standing committees and special committees shall be provided in bylaw.

Section VI. Proceedings

Article 112. Any member of the assembly of an ordinary local public body may present a bill to the assembly on any matter which shall be resolved by the assembly except on the matter concerning the estimates of annual revenue and expenditure.

The presentation of a bill provided for in the preceding paragraph shall be effected by in writing.

Article 113. No session of the assembly of an ordinary local public body shall be held unless a majority of the full number of the assemblymen are present thereat, except in a case where the number of such assemblymen at the meeting is less than a half of the full number thereof in consequence of the exclusion as prescribed in the provisions of Article 117, or in a case where, notwithstanding that calling of a session has been effected repeatedly in respect of one and the same matter, the number of assemblymen present is still less than a half of the full number thereof or in a case where, notwithstanding that the assembly has responded to the call, the number of assemblymen present is less than the quorum for the transaction of business and after notice demanding attendance is given, the number of assemblymen present is still, or has come to be, less than a half of the full number thereof.

Article 114. If it is demanded by a majority of the full number of the assemblymen of an ordinary local public body, the chairman shall open the session for that day. If, in such case, the chairman fails to open the session notwithstanding such demand, the provisions of Article 106, paragraphs 1 and 2 shall apply.

In a case where the session has been opened in accordance with the provision of the preceding paragraph or where any of the assemblymen raises an objection thereto, the chairman shall not close or break off the session for the day except by a resolution passed thereat.

Article 115. A session of the assembly of an ordinary public body shall be open to the public; provided that, in a case where, on the motion of the chairman or of three or more assemblymen, a resolution for holding a secret sitting has been adopted by the majority of two thirds or more of the assemblymen present, a secret session may be held.

The motion of the chairman or of the assemblymen contemplated in the proviso to the preceding paragraph shall be decided without putting it to debate.

Article 116. Except for those cases where special provisions are made in this law, all proceedings at a meeting of the assembly of an ordinary local public body shall be decided by a majority of the assemblymen present, and in the case of an equality of votes, the chairman shall have the casting vote.

In the case contemplated in the preceding paragraph, the chairman shall have no right to participate in the resolution as a member of the assembly.

Article 117. The chairman or a member of the assembly of an ordinary local public body shall not take part in the proceedings which relate to such matter as concerns the personal interests of his own or of his parents, grandparents, consort, successors, or brothers and sisters; provided that he may attend and speak at such meeting, upon obtaining the consent of the assembly.

Article 118. With respect to an election which shall, in accordance with laws or Cabinet Orders, be held in the assembly of an ordinary local public body, the provision of Article 32, Article 41 and Article 55 (except those parts which concern the election of the chief of the ordinary local public body) shall mutatis mutandis apply; if an objection has been raised with respect to the validity of the vote of such election, the assembly shall decide the same.

If there is no objection among the assemblymen, the assembly may adopt a method of naming with respect to an election contemplated in the preceding paragraph.

In a case where a method of naming has been adopted, it shall be referred to the meeting whether the person named shall be determined to be an elected person, and a person to whom all of the assemblymen present have given their consents shall be duly elected.

In a case where two or more are to be elected by one election, the provisions of the preceding paragraph shall not be applied by dividing the persons named.

Any person aggrieved by the determination prescribed in the provisions of paragraph 1 may bring an action in court against the assembly.

A decision prescribed in the provisions of paragraph 1 shall be effected by a document and delivered as accompanied by the reasons therefor to the person himself.

Article 119. Such matters as have not come to be decided during a session of the assembly shall not continue in the subsequent session thereof.

Article 120. The assembly of an ordinary local public body shall make the rules of procedure.

Article 121. A chief of an ordinary local public body, a chairman of an election administration committee, an inspection commissioner, a member of a public safety commission as well as any person who has received delegation or commission thereon, shall, when required by the chairman of the assembly of an ordinary local public body for presenting explanations, appear at the assembly hall.

Article 122. A chief of an ordinary local public body may present the explanation concerning the estimates or other explanation concerning other affairs of the ordinary local public body to the assembly.

Article 123. The chairman shall cause the chief clerk (in the case of a town or village which has no chief clerk, the clerk) to prepare the minutes of a meeting of the

assembly, in which the particulars of the meeting and the full names of the assemblymen present shall be entered

The chairman and two or more assemblymen who shall be determined by the assembly shall affix their signatures to the minutes of a meeting of the assembly.

The chairman shall submit to the chief of an ordinary local public body and the Prime Minister in the case of metropolis, district or urban or rural prefecture and to the governor of metropolis, district or urban or rural prefecture in the case of city, town or village, a report of the results of a meeting of the assembly together with a copy of the minutes thereof.

Section VII Petition

Article 124 A person who purports to file a petition with the assembly of an ordinary local public body shall present a written petition through the introduction of an assemblyman

Article 125 With respect to such petitions as have been adopted by it, and which are considered proper that they be disposed of by the chief of the ordinary local public body concerned, its election adminstration committee, its inspection commissioners or the public safety commission of the city, town or village concerned, the assembly of an ordinary local public body shall send them to such persons and demand reports of the progress and result of such disposals

Section VIII Resignation and Determination of Qualifications of Assemblymen

Article 126 An assemblyman of an ordinary local public body may resign his office upon obtaining the permission of the assembly, provided that, while out of its session, he may resign upon obtaining the permission of the chairman

Article 127 If an assemblyman of an ordinary local [illegible]

[illegible] men present

(1) If he has been adjudicated incompetent or quasi-incompetent,

(2) If he has been sentenced to imprisonment without hard labor or to any severer punishment,

(3) If he has been sentenced to a fine on conviction of an offense in respect of elections

An assemblyman of metropolis, district or urban or rural prefecture shall, even if he has lost the eligibility owing to the removal of his residence, not lose his office by reason thereof in case where his residence remains within the same metropolis, district, urban or rural prefecture

In the case contemplated in paragraph 1, an assemblyman may, notwithstanding the provisions of Article 117, attend a meeting of the assembly and make an explanation with respect to his qualification, but he shall not take part in the resolution thereof

The provisions of Article 118, paragraphs 5 and 6 inclusive shall apply mutatis mutandis to the case contemplated in paragraph 1

Article 128 An assemblyman of an ordinary local public body shall not lose his office until the determination decision or ruling prescribed in Article 66, paragraph 1, 2 or 4, Article 68, paragraph 1 or 2, or the preceding paragraph become final

Section IX Discipline

Article 129 If during a meeting of the assembly of an ordinary local public body an assemblyman contravenes this Law or the rules of procedure or otherwise disturbs order in the assembly hall, the chairman may order him to desist or cause him to revoke his speech and, if he fails to obey such order, prohibit him from speaking until the session for the day is over or cause him to withdraw from the assembly hall

If it is deemed that the assembly hall has become too tumultuous to be put in order, the chairman may close or break off the session for the day

Article 130 If any spectator admitted into a meeting of the assembly manifests aye or no openly or becomes clamorous or otherwise obstructs the proceedings of the meeting, the chairman of the assembly of an ordinary local public body may order him to desist and, if he fails to obey such order, cause him to withdraw from the assembly hall or, if necessary, turn him over to the competent police official or local police officials

If the spectator's gallery becomes clamorous the chairman may cause all the spectators admitted to withdraw therefrom

The chairman shall, except for those provisions of the preceding two paragraphs, make such regulations as are necessary for the control of spectators

Article 131 If there is any person who disturbs order in the assembly hall or obstructs the proceedings at the meeting, any assemblyman may call the attention of the chairman thereto

Article 132. At a meeting of the assembly of an ordinary local public body, an assemblyman shall not use insolent word nor shall he refer to the personal affairs of other persons

Article 133. An assemblyman who has been put to indignity at a meeting of the assembly of an ordinary local public body or of its committee may appeal to the assembly and request its disposition

Section X Disciplinary Punishments

Article 134 The assembly of an ordinary local public body may, by a resolution, impose disciplinary punishment on an assemblyman who has contravened this Law

or the rules of proceedings.

Such matters as are neceassary for disciplinary punishments shall be provided in the rules of proceedings.

Article 135. The disciplinary punishments shall be as follows:

(1) Reprimand at the assembly hall which is open to the public;

(2) Apology at the assembly hall which is open to the public;

(3) Suspension of attendance for a fixed period o time;

(4) Expulsion.

The expulsion prescribed in item 4 of the preceding paragraph shall require the consent of three-fourths or more with two-thirds or more of the full members of assembly of the ordinary local public body present.

Article 136. The assembly of an ordinary local public body shall not reject such person expelled from the assembly as has been elected again to the office of assemblyman.

Article 137. The chairman may, upon a resolution adopted at a meeting of the assembly, impose disciplinary punishment on such assemblyman as still fails without just reason to be present even after the chairman has especially served a writ of call on him in a case where he has not responded to the call without just reason or in a case where he has been absent from a meeting of the assembly without just reason.

Section XI. Chief Clerk and Clerk

Article 138. The assembly of an ordinary local public body shall have a chief clerk and a clerk; provided that, a city, town or village may not have a chief clerk.

The chief clerk and clerk shall be appointed by the chairman.

The chief clerk shall regulate the general affairs of the assembly under the directions of the chairman.

The clerk shall deal with the general affairs of the assembly under the direction of his superiors.

Chapter VII. Executive Organs

Section I. Chiefs of Ordinary Public Bodies

Subsection 1. Status

Article 139. A metropolis, district or urban or rural prefecture shall have its governor.

A city, town or village shall have its mayor.

Article 140. The term of office of the chief of an ordinary local public body shall be four years.

The term contemplated in the preceding paragraph shall be computed as from the day of election; provided that, in a case where an election has been held before the date of the expiration of the term of office of the chief of an ordinary local public body, it shall be computed as from the day following the date of the expiration of the term of office of the predecessor.

Article 141. The chief of an ordinary local public body shall not concurrently hold the office of member of the House of Representatives or of member of the House of Councillors.

The chief of an ordinary local public body shall not concurrently hold the office of member of the assembly of an ordinary local public body concerned or of a paid official of a local public body.

Article 142. The chief of an ordinary local public body shall neither be such person as enters into a contract work with the ordinary local public body, nor a person who enters into a contract work with the chief of the ordinary local public body or with any other person who has received a mandate from the chief of the ordinary local public body in respect of the work the expenses of which are borne by the ordinary local public body concerned, nor the manager of that person, nor the member with unlimited liability, director, auditor, any officer corresponding to any of the foregoing officers, manager or liquidator of a juristic person mainly performing acts of the same nature.

Article 143. If the chief of an ordinary local public body has come to be ineligible, he shall lose his office; whether or not he is ineligible shall be determined by the election administration committee of the ordinary local public body, except in cases where he becomes ineligible by reason of his falling under any of the events prescribed in Article 127, paragraph 1.

The provision of Article 118, paragraphs 5 and 6 shall apply mutatis mutandis to the case contemplated in the preceding paragraph.

Article 144. The chief of an ordinary local public body shall not lose his office until the determination, decision or ruling of an appeal prescribed in Article 66, paragraph 1, 2 or 4, Article 68, paragraph 1 or 2 or the preceding Article, paragraph 2 become final.

Article 145. The chief of an ordinary local public body shall, if he purposes to retire from office, make a declaration of retirement to the chairman of the assembly of the ordinary local public body on or before thirtieth day prior, in respect to the governor of a metropolis, district or urban or rural prefecture, on or before twentieth day prior, in respect to the mayor of a city, town or village, to the day on which he purposes to retire; provided that, he may retire before such date if he has obtained the consent of the assembly.

Article 146. In a case where it has been recognized of the governor of the metropolis, district or urban or rural prefecture that the supervision or execution of the national affairs, as fall under his jurisdiction in the capacity of a national agent, contravenes the provision of laws and ordinances or the disposition of the competent Minister or that he neglects the supervision or execution of such national affairs, the competent Minister may

send a statement of charges to the governor of the metropolis, district or urban or rural prefecture concerned [illegible]

or rural prefecture has failed to carry out the matters concerned within the time limit contemplated in the preceding paragraph, the competent Minister may request the Higher Court for a ruling to order him to carry out the said matters

In a case where the competent Minister has requested a Higher Court in accordance with the provisions of the preceding paragraph, he shall forthwith notify the governor of the metropolis, district or urban or rural prefecture concerned to that effect in writing, and at the same time inform the date, location and method of such notification to the Higher Court concerned

[illegible]

the date of receiving the request contemplated in the provisions of the same paragraph

When the Higher Court concerned has recognized that the request of the competent Minister is justified, [illegible]

matters in accordance with the ruling contemplated in the preceding paragraph, by the time limit contemplated in the same paragraph, the competent Minister may request the Higher Court concerned for a decision to confirm the fact In this case, the Court shall summon the persons concerned, hold hearing within ten days

If a decision for confirmation contemplated in the preceding paragraph has been given, the competent Minister may execute the matters concerned in the place of the governor of the metropolis, district or urban or rural prefecture

If a decision of confirmation contemplated in paragraph 6 has been given, the Prime Minister may remove the governor of the metropolis, district or urban or rural prefecture concerned from office

If a decision of confirmation contemplated in paragraph 6 has been given, the governor of the metropolis, district or urban or rural prefecture may request the Higher Court which has effected the decision of confirmation for a decision to cancel the powers of the Prime Minister contemplated in the provision of the preceding paragraph by certification to the effect that he has thereafter effected the matters concerned in accordance with the decision contemplated in paragraph 5

An appeal against the decision contemplated in paragraph 5 or 6 may be brought in accordance within the provisions prescribed by the Supreme Court An appeal contemplated in the preceding paragraph shall not have the effect of suspending the execution of the decision

In a case where it has been recognized that the supervision or execution of the national affairs under the jurisdiction of the mayor of a city, town or village in his capacity as a national agent contravenes the provision of laws and ordinances or the disposition of the competent Minister or the governor of the metropolis, district or urban or rural prefecture, or that the mayor has neglected the supervision or execution of the national affairs, the governor of the metropolis, district or urban or rural prefecture may, in accordance with the provisions of the preceding eleven paragraphs, order the matters to be executed by the mayor, request the decision of the Local Court or execute the said matter concerned in his place or remove him from office

A person removed from office in accordance with the provisions of paragraph 8 or the preceding paragraph, shall not assume any office of a government official attached to the metropolis, district or urban or rural prefecture or the public office of any local public bodies for two years as from the date of such removal

An appeal of dissatisfaction against the removal contemplated in paragraph 8 and 12 shall be made within thirty days from the date of the notification of removal

An appeal of dissatisfaction against the removal contemplated in the provisions of paragraph 8 and 12 shall be brought to the Higher Court which effected the decision contemplated in paragraph 2 in case of the governor of the metropolis, district or urban or rural prefecture, and to the Higher Court which exercises jurisdiction over the area of the city, town or village concerned in case of the mayor of a city, town or village

If a decision has been given to the effect that the removal of the chief of an ordinary local public body from office is not sustained, the person removed shall recover his qualification once lost in accordance with the provisions of paragraph 13, as from the date of the conclusion of such decision

Necessary matters concerning request of decision, hearings and procedure of ruling contemplated in paragraph 2, 4 to 6 inclusive, 9 and 12 shall be determined by the Supreme Court

The provisions contemplated in the preceding seventeen paragraphs shall not apply in cases where the corresponding provisions are prescribed in other laws

Subsection II Powers

Article 147 The chief of an ordinary local public body shall coordinate the ordinary local public body concerned and represent it

Article 148 The chief of an ordinary local public body shall administer the affairs of the ordinary local public body concerned and such affairs of the national

government, other local public bodies or other public bodies as have formerly fallen within his powers under laws or ordinances and as will henceforth fall within his powers under laws or cabinet orders, and shall execute the same.

Article 149. The chief of an ordinary local public body generally shall perform such affairs as follows:

(1) To execute any of such matters as shall be defrayed from the expenditure of the ordinary local public body;

(2) To present a bill in respect of any of such matters as are required to be decided by the assembly of the ordinary local public body;

(3) To manage property and establishments;

(4) To make order for receipt and payment and to supervise accounts;

(5) To take custody of instruments and official papers;

(6) To levy and collect rents, fees, local taxes, allotted charges, entrance fees or statutory labor and actual articles in accordance with laws, cabinet orders or resolutions of the assembly of the ordinary local public body;

(7) Except those which are prescribed in the preceding items, to execute the affairs of the ordinary local public body concerned;

(8) Any other matter which falls within his powers under laws or ordinances.

Article 150. With respect to the management of such administrative affairs as the chief of an ordinary local public body executes in his capacity as an organ of the national government, the chief of an ordinary local public body shall be subject to the direction and supervision of, in the case of a metropolis, district or urban or rural prefecture, the competent Minister or, in the case of a city, town or village, the governor of a metropolis, district or urban or rural prefecture and the competent Minister.

Article 151. The governor of a metropolis, district or urban or rural prefecture may, in case he considers that the disposition contravenes the regulations or is ultra vires with regard to the affairs of the administrative office under his supervision or of the national government or the metropolis, district, urban or rural prefecture within the powers of the mayor of a city, town or village, annul or suspend such disposition.

The mayor of a city, town or village may, in accordance with the provisions of the preceding paragraph, annul or suspend the disposition of an administrative office under his supervision.

Article 152. In the event of any disability on the part of the chief of an ordinary local public body or of vacancy in his post, the vice-governor or the deputy mayor shall perform on his behalf the duties devolving upon him; if in this case there are two or more vice-governors or deputy-mayors, they shall in pursuance of the order fixed in advance by the chief of the ordinary local public body concerned, or, in the case where there is no fixed order, in pursuance of the order of seniority, or in the case where the order of seniority is equal, in pursuance of age, or, in the case where the ages are the same, in pursuance of the order decided by drawing lots, perform on his behalf the duties devolving upon him.

In the event of any disability or absence on the part of the vice-governor or deputy mayor or the mayor of a town or village which has no deputy mayor, or of vacancy occurring in such posts, such official as is designated by the chief of the ordinary local public body concerned shall perform such functions.

Article 153. The chief of an ordinary local public body may delegate a portion of the affairs which fall within his powers to any official of the ordinary local public body concerned or may cause him to administer the same temporarily on his behalf.

The governor of a metropolis, district or urban or rural prefecture may delegate a portion of the affairs which fall within his power to the administration office under his supervision or a mayor of a city, town or village.

The governor of a metropolis, district or urban or rural prefecture may cause any official of a city, town or village to lend assistance in the execution of or execute a portion of the affairs which fall within his powers.

Article 154. The chief of an ordinary local public body shall direct and supervise the officials who are his auxiliary organs.

Article 155. For the purpose of allotting the affairs which fall within his powers, the chief of an ordinary local public body may, by laws and at a necessary place, establish a local branch office (it shall be deemed herein and hereafter to include a branch station of the local branch office in the case of a district) or a local affairs office in the case of metropolis, district or urban or rural prefecture, or a branch office in the case of a city, town or village.

For the purpose of allotting the affairs which fall within the powers of a mayor, the city designated by cabinet order shall, by bylaws, be divided into areas of wards, where ward office shall be established.

The provision concerning administrative wards shall, with the exception of those specially stipulated by laws or cabinet orders, apply mutatis mutandis to the wards contemplated in the preceding paragraph.

The location of a local branch office, local affairs office, branch office, or ward office, its name and its area of jurisdiction, shall be provided in bylaws.

Article 156. The chief of an ordinary local public body shall, except those which are prescribed in paragraph 1 of the preceding Article, establish a health center or other administrative organs in accordance with the provision of laws.

The locations of the administrative organs pre-

scribed in the preceding paragraph, their names and their areas of jurisdiction shall be provided in by-laws or regulations

The governor of a metropolis, district, urban or rural prefecture may, with respect to such administrative affairs as are related to the divisions of his office direct and supervise the chief of a food affairs office, a charcoal affairs office, a social insurance branch office or other local administrative organ

No local branch office (including fixed staff, the same rule shall apply in this Article), shall be opened hereafter without first being approved by the Diet All expenses needed in connection with the operation and function of such authorized branch offices shall be paid for by the national government

The provisions of the preceding paragraph shall not apply to the judicial, administrative and disciplinary organs, police office, railroad, communications and postal services (including insurance and savings divisions), institutions of learning, national hospitals, and sanitariums, institutions of meteorological station, and the base facilities, communication facilities, navigational aids and hydrographic organs under the jurisdiction of the Maritime Safety Board, harbour constructions offices, forestry stations and public works branch offices whose functions are solely supported by the national treasury

Article 157 The chief of an ordinary local public body may, for the purpose of adjusting and coordinating the activities of the public bodies or the like within the area of the ordinary local public body concerned, direct and supervise the same

In the case contemplated in the preceding paragraph, the chief of an ordinary local public body may, if necessary, cause any of the public bodies or the like within the area of the ordinary local public body concerred to report its affairs to him and to submit docu- ment and account books and may inspect in practise the affairs thereof

The chief of an ordinary local public body may, if it is necessary for the supervision of the public bodies or the like within the area of the ordinary local public body concerned, carry out dispositions or apply for the action of the competent authorities over them

The competent offices contemplated in the preceding paragraph may annul the dispositions of the chief of an ordin ry lccal public body

Article 158 For the purpose of alloting the affairs which fall within the powers of the governor of the metropolis, district or urban or rural prefecture, the following bureaus or division shall be established in the metropolis, district or urban or rural prefecture

I Metropolis

1 General Affairs division

(a) Matters relating to the appointment, dismissal and status of the officials,

(b) Matters relating to the assembly and general administration of the metropolis,

(c) Matters relating to the general administration of cities, towns or villages or other public bodies,

(d) Matters which do not fall under the jurisdiction of other divisions

2 Finance division

(a) Matters relating to the budget, taxes and other financial matters of the metropolis

3 Bureau of Welfare

(a) Matters relating to social welfare,

(b) Matters relating to social insurance

4 Bureau of Education

(a) Matters relating to education and arts and science

5 Bureau of Economy

(a) Matters relating to agriculture, industry, commerce, forestry and fishery,

(b) Matters relating to the distribution of commodities and the control of the prices of commodities,

(c) Matters relating to weights and measures

6 Bureau of Construction Works

(a) Matters relating to general affairs relating to construction and rehabilitation works,

(b) Matters relating to city planning,

(c) Matters relating to houses and buildings,

(d) Matters relating to public works

7 Bureau of Communication

(a) Matters relating to communication

8 Bureau of Water service

(a) Matters relating to water service and sewerage

9 Bureau of Health

(a) Matters relating to health and sanitation,

(b) Matters relating to health centers

10 Bureau of Labor

(a) Matters relating to labor

II District or Urban or Rural Prefecture

1 General Affairs division

(a) Matters relating to the appointment, dismissal and status of the officials,

(b) Matters relating to the assembly and general administration of a district or urban or rural prefecture,

(c) Matters relating to the budget, taxes and other financial matters of a district or urban or rural prefecture,

[illegible]

other divisions

2 Welfare division

(a) Matters relating to social welfare,

(b) Matters relating to social insurance

3 Education division

(a) Matters relating to education and arts and sciences

4 Economic Affairs division

(a) Matters relating to agriculture, industry, commerce, forestry and fishery;

(b) Matters relating to the distribution of commodities and the control of prices of commodities;

(c) Matters relating to weights and measures;

(d) Matters relating to labor.

5. Public Works Division:

(a) Matters relating to public works,

(b) Matter relating to city planning;

(c) Matters relating to Houses and building;

(d) Matters relating to communication.

6. Division of Health:

(a) Matters relating to health and sanitation;

(b) Matters relating to health centers.

7. Agricultural Land division:

(a) Matters relating to the adjustment of the affairs concerning agricultural land;

(b) Matters relating to development and settlement.

Notwithstanding the provisions of the preceding paragraph, a district or urban or rural prefecture may, when especially necessary, establish the following divisions by bylaw, provided that in cases where Agriculture and Forestry division has been established, the Commerce and Industry division shall not be established and vice versa.

I. District or Urban or Rural Prefecture.

1. Agriculture and Forestry division (or Forestry division):

(a) Matters relating to agriculture, forestry and fishery (in the case of Forestry division; Matters relating to afforestation.)

(b) Matters relating to the distribution of agricultural, forestry and marine commodities (in the case of Forestry division; matters relating to the distribution of forestry commodities.)

2. Commerce and Industry division:

(a) Matters relating to commerce and industry,

(b) Matters relating to the distribution of commodities (excepting agricultural, forestry and marine commodities) and the control of the prices of commodities;

(c) Matters relating to weights and measures.

3. Fishery division:

(a) Matters relating to fishery,

(b) Matters relating to the distribution of marine commodities.

4. Labor division:

(a) Matters relating to labor.

5. Public Utilities division:

(a) Matters relating to the management of public utilities.

II. District

1. Development division.

(a) Matters relating to development and settlement.

The governor of metropolis, district or urban or rural prefecture may create any necessary sections under the bureaus and division for the purpose of alloting the affairs which fall within his powers.

The mayor of a city, town or village may create by bylaws any necessary division of section for the purpose of alloting the affairs which fall within his powers.

Article 159. The handing over of affairs of the chief of an ordinary local public body shall be provided for by Cabinet Order.

The imposition of a fine not exceeding two thousand yen against a person who has rejected the handing over of affairs without just reason, may be provided in the Cabinet Order contemplated in the proceding paragraph.

Article 160. The mayor of a city, town or village may, if it is necessary on account of an emergency or calamity, temporarily use the land of other persons or use or compulsorily acquire such soil, stones, bamboos, trees or any other article as may be found thereon; provided that the whole amount of any damage caused thereby shall be compensated at the market price by the city, town or village.

The mayor of a city, town or village, a police officer, or a local police official may, if it is necessary to do so for the purpose of preventing danger, due to emergencies or calamities cause those persons who are residing within the city, town or village concerned to engage in defence.

Subsection III. Auxiliary Organs

Article 161. A metropolis, district or urban or rural prefecture shall have one vice-governor.

The full number of vice-governors may, by bylaw be increased to two in the case of metropolis, district or urban or rural prefecture with a population of two millions or more, and three in the case of metropolis, district or urban or rural prefecture with a population of three millions or more.

A city, town or village shall have one deputy-mayor provided that, a town or village may dispense therewith by bylaw.

The full number of deputy-mayors may be increased by bylaws.

Article 162. A vice-governor or deputy-mayor shall, upon obtaining the consent of the assembly, be appointed by the governor of an ordinary local public body.

Article 163. The term of office of a vice-governor or deputy-mayor shall be four years; provided that the chief of an ordinary local public body may remove him from office even during the term of his office.

Article 164. Any person who falls under the provisions of Article 20 shall not be a vice-governor or deputy-mayor.

A vice-governor or deputy-mayor shall, in a case where he has fallen under the provisions of Article 20, lose his office.

Article 165. A vice-governor or deputy-mayor who performs the duties devolving upon the chief of an ordinary local public body on his behalf shall, in a case where he purports to retire from his office, make a declaration

to that effect to the chairman of the assembly of the ordinary local public body on or before twentieth day prior to the date on which he purports to retire, provided that he may retire from his office before such date when he has obtained the approval of the assembly

Except in the case prescribed in the preceding paragraph, a vice-governor or deputy-mayor shall, on or before twentieth day prior to the date on which he purports to retire from his office, make a declaration to that effect to the chief of the ordinary local public body, provided, that he may retire from his office before such date when he has obtained that permission of the chief of the ordinary local public body concerned

Article 166 A vice-governor or deputy-mayor shall not concurrently hold the office prescribed in Article 21, paragraph 2

The provisions of Article 141, Article 142 and Article 159 shall apply mutatis mutandis to a vice-governor or deputy-mayor

Article 167 A vice-governor or deputy-mayor shall assist the chief of an ordinary local public body, suspensive the affairs allotted to the officials and, as provided elsewhere, perform the duties devolving upon the chief of an ordinary local public body on his behalf

Article 168 The metropolis, district or urban or rural prefecture shall have a chief accountant and an assistant accountant

A city, town or village shall have one treasurer, provided that a town or village may dispense with a treasurer by bylaw and cause the mayor or a deputy-mayor of the town or village to perform concurrently the duties devolving upon a treasurer

A city, town or village may have an assistant treasurer by bylaw

The full number of assistant accountants or assistant treasurers shall be provided for by bylaw

The chief accountant, assistant accountant, treasurer or assistant treasurer shall not concurrently hold the office prescribed in Article 21, paragraph 2

The provisions of Article 141, Article 142, Article 159, Article 162, the principal clause of Article 163 and Article 164 shall be applied mutatis mutandis to a chief accountant, assistant accountant, treasurer or assistant treasurer

Article 169 Any person who is related with the chief of an ordinary local public body or its vice-governor, deputy-mayor or inspection commissioner by the ties of parents and child, of husband and wife or of brother and sister shall not hold the office of chief accountant, assistant accountant, treasurer or assistant treasurer

A chief accountant, assistant accountant, treasurer or assistant treasurer shall, if he has come to be involved in the ties prescribed in the preceding paragraph, lose his office

Any person who is related with a chief accountant or treasurer by the ties of parents and child, of husband and wife or of brother and sister shall not hold the office of assistant accountant or assistant treasurer

An assistant accountant or assistant treasurer shall, if he has come to be involved in the ties prescribed in the preceding paragraph, lose his office

Article 170 The chief accountant or treasurer shall take charge of the revenue, expenditure and other affairs relating to the accounts of the ordinary local public body concerned as well as such revenue, expenditure and other affairs relating to the accounts as are concerned with the affairs of the national government, local public bodies and other public bodies which fall under the jurisdiction of the chief of an ordinary local public body, its officials or its election administration committee, provided that this shall not be applied where the provisions are made specially in laws and ordinances duly authorized by laws

The assistant accountant or assistant treasurer shall assist the chief accountant or treasurer in the administration of his affairs and perform the duties devolving upon him on his behalf in the event of any disability or on the part of or vacancy in the spot of chief accountant or treasurer In a case where there are two or more assistant accountants or assistant treasurers, they shall perform the duties devolving upon him on his behalf in accordance with the order fixed in advance by the chief of the ordinary local public body concerned, or, in a case where there is no order fixed, in accordance with the order of seniority, or, in a case where the order of the seniority is equal, in accordance with the age, or, in a case where the ages are the same, in accordance with the order decided by lots

The chief of an ordinary local public body may have a portion of the affairs of the chief accountant or treasurer delegated to an assistant accountant or assistant treasurer, provided that, in regard to such affairs as the revenue and expenditure and other affairs relating to accounts of the ordinary local public body concerned, the consent at the assembly shall be obtained beforehand

In the case of a city, town or village which has no assistant treasurer, the mayor of a city, town or village shall, upon obtaining the consent of the assembly of the city, town or village, determine in advance an official who shall perform the duties devolving upon the treasurer on his behalf in the event of any disability on the part of or vacancy in the post of the treasurer

Article 171 An ordinary local public body may have accountants

The accountant shall be appointed by the chief of an ordinary local public body from among its local secretarial officials

The accountants shall, under the directions of the chief accountant or assistant accountant, treasurer, or assistant treasurer take charge of the affairs relating to revenue and expenditure

The provisions of paragraph 3 of the preceding Article shall be applied mutatis mutandis to the accountants

Article 172. Except those provided for in the provisions of the eleven preceding Articles, an ordinary local public body shall have such local officials as may be necessary.

The local officials contemplated in the preceding paragraph shall be appointed to or removed from office by the chief of an ordinary local public body.

The full number of local officials contemplated in paragraph shall be provided by bylaw.

With respect to the classification system, examination, appointment or dismissal, allowances, efficiency, limitation, disciplinary measures, guarantee, service and other status of the local officials contemplated in paragraph 1, such provisions, besides those prescribed by this Law or Cabinet Orders based thereon, as are prescribed separately by a Law concerning Officials of Ordinary Local Public Bodies shall apply.

Article 173. The local officials contemplated in paragraph 1 of the preceding Article shall be specified as local secretarial officials, local technical officials and local educational officials.

A local secretarial official shall take charge of office work under the directions of those over him.

A local technical official shall take charge of technical affairs under the directions of those over him.

A local educational official shall take charge of education under the directions of those over him.

Article 174. An ordinary local public body may have a standing or special expert committee.

An expert committeeman shall, with the consent of the assembly, be chosen by the chief of an ordinary local public body from among the persons who have expert knowledge or experience.

An expert committeeman shall, upon reviving a commission from the chief of an ordinary local public body, make investigations in respect of such necessary matters as relate to the affairs which fall under his jurisdiction.

Article 175. The office of chief of a local branch office or local affairs office of metropolis, district or urban or rural prefecture, of a branch office of a city, town or village or of a ward office of a city, contemplated in Article 155 paragraph 2 shall be assumed by a local secretarial official.

The chief of any of the agencies prescribed in the preceding paragraph shall, as determined by the chief of an ordinary local public body, administer the affairs in his charge under the directions of those over him and direct and supervise the local officials under him.

Subsection IV. Relationship with the Assembly

Article 176. In a case where an objection in respect of any resolution concerning the enactment of bylaws or the alteration or abolition thereof or the estimated annual revenue and expenditure in the assembly of an ordinary local public body is made, except for those which are specially of the ordinary loca the assembly to reco the reason therefor v resolution.

In a case where same as the resolutio provisions of the pre shall become final. local public body sha take other necessary

With respect to th visions of the precedi thirds or more of t required.

If the chief of an ers that any resolutio election held by the as body is ultra vires or c authorized by laws or shall cause the asseml to hold a new election

If the chief of an ers that any resolution election held by the provisions of the prece or contravenes laws law or the regulations an action against the

Article 177. If the body considers that an of the assembly is, in r ture, impossible to exe to reconsider such res therefor.

The provisions of applied, in a case wher lution to strike out or penses, to such expens consequent thereto:

1. Expenses to be b authorized by law by the competen other expenses fall local public bodie
2. Expenses necessary cilities caused by necessary for the p

If, in the case conce ing paragraph, the resol nary local public bod expenses prescribed ordinary local pub such expenses and disburse the same

If, in the c

the resolution of the assembly of an ordinary local public body still strikes out or reduces the expenses prescribed in the same item, the chief of the ordinary local public body concerned may deem such resolution as a resolution of nonconfidence

Article 178 In a case where a resolution of nonconfidence in the chief of an ordinary local public body has been passed by the assembly of an ordinary local public body, the chief of the ordinary local public body concerned may dissolve the assembly within ten days

If, in a case where a resolution of nonconfidence in the chief of an ordinary local public body concerned has been passed in the assembly, the assembly is not dissolved in accordance with the provisions of the preceding paragraph or if a resolution of nonconfidence has again been passed in the assembly which has been convoked for the first time after the dissolution, the chief of the ordinary local public body must resign

With respect to a resolution of nonconfidence prescribed in the provisions of the preceding two paragraphs it shall be required that two-thirds or more of the full number of the assemblymen shall be present at the meeting and three-fourths or more of the assemblymen present shall consent

Article 179 If the assembly of an ordinary local public body fails to be established, if in the case contemplated in the proviso to Article 113 it is still impossible to hold a meeting, if the chief of an ordinary local public body considers that there is no time to convoke the assembly or if the assembly fails to pass as resolution on any of such matters as shall be resolved therein, the chief of an ordinary local public body may dispose of any of such matters as shall be resolved by the assembly

With respect to any of such matters as shall be determined by the assembly, the example of the preceding paragraph shall be followed

With respect to the disposition prescribed in the provisions of the preceding two paragraphs, the chief of an ordinary local public body shall report to the next meeting of the assembly and ask for its approval

Article 180 Any matter of a minor nature which falls within the jurisdiction of the assembly of an ordinary local public body and which has been specified by a resolution thereof shall be made disposable by the chief of an ordinary local public body at his own discretion

When the chief of an ordinary local public body has disposed a matter at his own discretion in accordance with the provisions of the preceding paragraph, he must submit a report thereof to the assembly

Section II Election Administration Committee

Article 181 An ordinary local public body shall have an election administration committee

An election administration committee shall consist of six members in the case of the metropolis, district or urban or rural prefecture and of four members of election administration committee in the case of a city, town or village

Article 182 A member of an election administration committee shall be elected in the assembly of an ordinary local public body from among the persons who have the right to vote

The assembly, in a case where an election prescribed in the provisions of the preceding paragraph is held, shall elect at the same time as many supplementary members of the committee as there are members of the committee the same shall be applied in a case where there has come to be no supplementary member

When there is any vacancy among the members of committee, the chairman of the election administration committee shall select a member to fill such vacancy from among the supplementary members of the committee The order shall be, where they have been elected at different times from each other, it shall be according to the order of election, where they have been elected at the same time, it shall be according to the number of votes obtained, and where the votes obtained are equal, such person shall be determined by lot

Three or more persons in the case of the committee of a metropolis, district or urban or rural prefecture, two or more persons in the case of the committee of a city, town or village, who belong to the same political party or other corporation, shall not be members or supplementary members of the same committee

If, in the case of the election contemplated in paragraph 1 or 2, those persons who belong to the same political party or other corporation are elected in excess of the limitation prescribed in the preceding paragraph, or if, in the filling of the vacancy in accordance with the provisions of paragraph 3, the number of those persons who belong to the same political party or other corporation come to be in excess of the limitation prescribed in the preceding paragraph, necessary matters relating to the above mentioned cases shall be prescribed in Cabinet Order

Article 183 The term of office of a member of an election administration committee shall be two years, provided that he shall remain in office until his successor assumes office

The term of office of a member of the committee chosen to fill a vacancy shall be for the remainder of the term of office of the member of committee in whose place he is chosen

The term of office of supplementary member shall be in accordance with the term of office of the member of the committee

A member of the committee or supplementary member of the committee shall not lose his office until after such direction or decision as is prescribed in Article 176, paragraph 2 which relates to his election has become final

Article 184 A member of an election administration

committee shall lose his office when he has come to lose the right of voting; whether or not he has the right of voting shall be determined by the election administration committee except in a case where he has no right to vote by reason of his falling under any of the events prescribed in Article 127, paragraph 1.

The provisions of Article 118, paragraphs 5 and 6 shall be applied mutatis mutandis to the case contemplated in the preceding paragraph.

Article 185. In a case where the chairman of an election administration committee purports to resign, he shall obtain the approval of the election administration committee concerned.

If a member of the committee purports to resign, he shall obtain the approval of the chairman.

Article 186. An election administration committee shall, in accordance with the provisions of laws and cabinet orders duly authorized by laws, manage the affairs relating to the election of the ordinary local public body concerned or of the national government, other local public body or other public body and such affairs as are concerned therewith.

The election administration committee of metropolis, district or urban or rural prefecture shall direct and supervise the election administration committee of a city, town or village. In such a case the provisions of Article 151, paragraph 1 shall mutatis mutandis be applied.

Article 187. An election administration committee shall elect one chairman from among the members of its committee.

The chairman shall deal with the affairs relating to the committee and represent it.

In the event of any disability on the part of the chairman or the post of the chairman being vacant, the member of the committee designated by the chairman shall execute his duties.

Article 188. The election administration committee shall be convoked by the chairman. If a demand for the convocation of a meeting of the committee is made, by any member of the committee, the chairman shall convoke the same.

Article 189. No business shall be transacted at a meeting of the election administration committee, unless three or more members of the committee are present thereat.

The chairman or a member of a committee shall not participate in the proceedings of the committee relating to such business as concerns the personal interests of his own or his parents, grandparents, spouse, child, grandchild, brother or sister, provided that, in a case where he has obtained the consent of the committee, he may attend the meeting and speak thereat.

If the number of members of the committee have been reduced and does not come to the number provided for in paragraph due to the provisions of the preceding paragraph, the chairman shall provisionally choose, in the order prescribed in Article 182, paragraph 3, such supplementary members of the committee as have no concern with such case to make up the deficiency; the same shall be applied in a case where the number of members of the committee does not come up to the number contemplated in paragraph 1 due to disability on the part of members of the committee.

Article 190. All proceedings at a meeting of the election administration committee shall be decided by a majority of the votes of the members of the committee present. In the case of an equality of votes, the chairman shall decide the issue.

In the case contemplated in the preceding paragraph, the chairman shall not have the right to participate in the resolution as one of the members.

Article 191. The election administration committee shall have clerks.

The full number of clerks shall be determined by bylaws.

The clerk shall engage in the affairs concerning the committee under the direction of the chairman.

Article 192. Matters relating to the status, duties, and disciplinary punishment of the members of the election administration committee, shall be provided for separately in the law concerning the officials of ordinary local public bodies.

Article 193. The provisions of Article 127 paragraph 2, Article 141 paragraph 1, Article 142 and Article 166 paragraph 1 shall be applied mutatis mutandis to the members of the election administration committee, the provisions of Article 150 shall be applied mutatis mutandis to the election administration committee and the provisions of Article 153 paragraph 1, Article 154 and Article 159 shall be applied mutatis mutandis to the chairman of the election administration committee, and the provisions of Article 172 paragraph 2 and paragraph 4 shall be applied to the clerks of the election administration committee.

Article 194. Except for those provided for in this Law and Cabinet Order based thereon, such necessary matters as relate to an election administration committee shall be determined by the committee.

Section III. Inspection Commissioners

Article 195. A metropolis, district or urban or rural prefecture shall have inspection commissioners.

A city, town or village may have the inspection commissioners by bylaw.

The full number of inspection commissioners shall be four in the case of a metropolis, district or urban or rural prefecture and two in the case of a city, town or village.

Article 196. The inspection commissioners shall be appointed by the chief of an ordinary local public body upon obtaining the consent of the assembly from among

members of assembly and from among such persons as have special knowledge and experience respectively in the same number.

An inspection commissioner shall not concurrently hold the office of a paid official of an ordinary local public body.

Article 197 The term of office of an inspection commissioner shall be two years

The term of office of an inspection commissioner who has been appointed from among the assemblymen of an ordinary local public body shall, notwithstanding the provisions of the preceding paragraph, not exceed [illegible]

Article 198 An inspection commissioner shall, if he purports to resign, obtain the approval of the chief of an ordinary local public body

Article 199 The inspection commissioners shall inspect the management of any enterprise carried on by an ordinary local public body and the administration of the revenue and expenditure and any other affairs of an ordinary local public body

The inspection commissioners shall, by fixing the date thereof, make an inspection prescribed in the provisions of the preceding paragraph at least once or more in each fiscal year

The inspection commissioners shall, upon a demand made by the competent administrative offices or the assembly of an ordinary local public body, extraordinarily make an inspection relating to such affairs as relate to such demand

Excluding those cases provided for in the preceding two paragraphs, the inspection commissioners may, if they consider it necessary to do so, make an inspection at any time

The inspection commissioners shall report the results of their inspection to the competent administrative office or the assembly chief of an ordinary local public body and make public the same

Article 200 Clerks may be appointed for the purpose of assisting the affairs of the inspection commissioners

The full number of clerks shall be provided for in bylaw

The clerks shall be under the directions of the inspection commissioners and engage in the affairs relating to inspection

Article 201 The provisions of Article 142, Article 154, Article 159, Article 164, Article 166 paragraph 1, and Article 192 shall be applied mutatis mutandis to the inspection commissioner, and the provisions of Article 172 paragraph 2 and paragraph 4 shall be applied mutatis mutandis to the clerks who engage in the affairs of inspection commissioners

Article 202 Except for those provided for in this Law and Cabinet Orders based thereon, necessary matters relating to the inspection commissioners shall be provided for by bylaws

Chapter VIII Allowances

Article 203 An ordinary local public body shall pay remunerations to its assemblymen, members of election administration committee, inspection commissioners who have been appointed from among the assemblymen, expert commissioners, superintendents of the poll, superintendents of the counting of votes and presiding officers of election, inspectors of the poll, inspectors for the counting of votes and inspectors of election

The persons contemplated in the preceding paragraph may receive reimbursement of expenses necessary for the execution of their duties

The amount of remuneration and of reimbursement of expenses and the manner of payment thereof shall be provided for in bylaws

Article 204 An ordinary local public body shall, as may be provided for separately in a Law concerning the Officials of Ordinary Local Public Bodies, pay salaries and travelling expenses to the chief of an ordinary local public body, officials who are his auxiliary organs (excluding the expert commissioners), inspection commissioners who have been appointed from among the persons of special knowledge and experience, chief clerks and clerks of the assembly, clerks of the election administration committee and clerks who assist the affairs of the inspection commissioners

The amount of salaries and travelling expenses and the manner of payment thereof shall be provided for in bylaws

Article 205 Any of the officials contemplated in paragraph 1 of the preceding Article may, as may be provided for separately in the Law concerning the Officials of Ordinary Local Public Bodies, receive a retiring allowance, a compensation for the termination of office, a compensation for death or an allowance to the surviving family

Article 206 Any person concerned who has an objection with respect to allowances contemplated in the preceding three paragraphs, may file such objection to the chief of the ordinary local public body

In a case where such objection as provided for in the [illegible] twenty days from the day when the reference contemplated in the preceding paragraph has been made

Article 207. An ordinary local public body shall reimburse by bylaw such expenses as are actually incurred

by electors or persons concerned who have appeared in accordance with the provisions of Article 100, paragraph 1 or by such person as has taken part in a public hearing provided for in Article 109, paragraph 5.

Chapter IX. Finance

Section I. Property and Establishments

Article 208. An ordinary local public body may maintain as its permanent property any of its property to be held for the purpose of gaining profits.

An ordinary local public body may create a special permanent property or reserve money or grain for a special purpose.

Article 209. In a case where there are such persons as are especially entitled to the use of any of its property or establishments by old custom and usage among the inhabitants of a city, town or village, such custom shall be followed. A resolution of the assembly of a city, town or village shall be required in order that any alteration or abolition of such use may be effected.

If there are persons who desire to use the property or establishments contemplated in the preceding paragraph newly, a city, town or village may, upon a resolution adopted by the assembly thereof, permit the same.

Article 210. An ordinary local public body may create an establishment even outside of its area or by mutual agreement between the ordinary local public bodies concerned.

With respect to the mutual agreement contemplated in the preceding paragraph a resolution of the assemblies of the ordinary local public bodies concerned shall be required.

Article 211. An ordinary local public body may, by mutual agreement between another ordinary local public body, place the property or establishment of such other ordinary local public body to be for use by its own inhabitants.

With respect to the mutual agreement contemplated in the preceding paragraph a resolution of the assemblies of the ordinary local public bodies concerned shall be required.

Article 212. Any of the property or establishments of an ordinary local public body shall not be appropriated for the use, benefit or maintenance of any religious institution or association or for any charitable, educational or benevolent enterprise not under the control of public authority.

Article 213. Unless otherwise provided for in laws or cabinet orders duly authorized by laws, with respect to the matters relating to the acquisition or creation, management, and disposition of property creation and management of establishments, an ordinary local public body shall provide the same by bylaw.

An ordinary local public body shall not, with respect to especially important property or establishments determined by bylaws, take such measures as giving away any exclusive profits of the said property or establishments or grant exclusively rights for the use thereof extending over a period of ten years, unless an affirmative vote of a majority in the election of the electors of the ordinary local public body concerned has been obtained. It shall be the same, in a case where the consent of two-thirds or more of the assemblymen present cannot be obtained at the meeting of the assembly with respect to other property or establishments which shall be determined by bylaws.

The provisions of the preceding paragraph shall not be applied to disposition or grant of rights to use with respect to the national government or public bodies.

If, in a case where the vote contemplated in paragraph 2 shall be taken, a notice thereof by the chief of the ordinary local public body has been given, the election administration committee shall submit the same to the affirmative or negative vote of the electors within sixty days from such date.

In a case where the result of the vote contemplated in the preceding paragraph has become known, the election administration committee shall forthwith notify the same to the chief of the ordinary local public body concerned, and make public notice of the same.

Except for those which are specially provided for in Cabinet Order, the provisions of Chapter IV shall be applied mutatis mutandis to the vote contemplated in accordance with the provisions of paragraph 4.

The vote of paragraph 4 may be held, in accordance with the determination of Cabinet Order at the same time as the elections of the ordinary local public body or the vote in respect of the dissolution in accordance with the provisions of Article 76, paragraph 3 or the vote in respect of the dismissal in accordance with Article 80, paragraph 3 and Article 81, paragraph 2.

Article 214. An ordinary local public body may, with respect to the use of the property or establishment, provide for in bylaw an administrative fine not exceeding two thousand yen.

Article 215. Any person who has an objection with respect of the right to use the property or establishment may file the same with the chief of an ordinary local public body.

In case where an objection provided for in the preceding paragraph is made, the chief of an ordinary local public body shall determine the same upon referring it to the assembly thereof.

The assembly shall express its opinion within twenty days of the date on which the reference provided for in the preceding paragraph has been effected.

Section II Revenue

Article 216 An ordinary local public body may, in accordance with the provisions of law, impose and collect local taxes

Article 217 An ordinary local public body may collect alloted changes

An alloted change shall, in accordance with the provisions of cabinet orders duly authorized by laws be levied on those who are especially benefited, with respect to such property or establishment as benefit a few persons or a part of the ordinary local public body or of such matters as are profitable to a part of the ordinary local public body

The bylaw levying an assessment shall not be enacted, or altered, unless the assembly of an ordinary local public body or the standing committee holds first a public hearing and hear the opinions of such persons as have really an interest in the matter or of such persons of special knowledge and experience

[illegible] days from such date

Article 218 An ordinary local public body may, when it is necessary for the recovery of emergency disasters and in other cases of special necessity impose and levy statutory labor and actual articles, provided that a metropolis, district or urban or rural prefecture may impose and levy the same from any one part of the cities, towns, villages or other public bodies within the metropolis, district or urban or rural prefecture concerned

Statutory labor or actual article shall be levied as computed in terms of money, provided that in the case of a city, town or village it shall be levied on the basis rate of the city, town or village inhabitants taxes

Statutory labor shall not be levied with respect to such labor as relates to arts and science, fine arts and manual arts

Any person from whom statutory labor has been imposed may render services in his own person or by a suitable proxy

Statutory labor or actual articles may be substituted for by money

The provisions of paragraph 2 and the preceding paragraph shall not be applied to such statutory labor or actual articles as are levied in a case of urgency or of other special circumstances

Article 219 With respect to such property or establishment as benefits a few persons or a part of an ordinary local public body or to such matters as are profitable for a few persons or a part of an ordinary local public body, an ordinary local public body may impose statutory labor or actual articles unevenly or to a few persons or to a part of the ordinary local public body

Article 220 An ordinary local public body may collect rents with respect to the use of its property or establishments

In a case where the national government uses the property or establishment of an ordinary local public body, the national treasury shall bear such rents provided that the same shall not apply in the case where the consent of the Assembly of the ordinary local public body concerned has been obtained

Article 221 A city, town or village may, with respect to the use of the property or establishment provided for in Article 209, collect rents or entrance money in a lump sum or collect both

Article 222 An ordinary local public body may collect fees with respect of such affairs as are executed for a specific person

The chief of an ordinary local public body may, in accordance with the provisions of Cabinet Order, collect fees with respect to such affairs of the national government, other local public bodies, or other public bodies as fall within his powers

The fees prescribed in the preceding paragraph shall be the income of the ordinary local public body concerned

Article 223 Matters relating to allotted charges, rents and fees contemplated in paragraph 1 of the preceding Article, shall be provided in bylaws, and matters related to the fees contemplated in paragraph 2 of the same Article shall, except for those which are provided for in laws or cabinet orders duly authorized by laws, be provided for in regulations

With respect to a person who by means of [illegible] any other unlawful practice has evaded the [illegible] ted charges, rents or fees contemplated in [illegible] the preceding Article, provisions may be [illegible] laws, and with respect to a person who [illegible] fees contemplated in paragraph 2 of [illegible] provisions may be made in [illegible] administrative fine not exceeding [illegible] responds to five times the [illegible]

Except those provided for [illegible] graph, with respect to the [illegible] and fees contemplated [illegible] Article, provisions [illegible] respect to the levy of [illegible] 2 of the same Article, [illegible] tions to impose [illegible] thousand yen

Any person [illegible] ministrative [illegible] is dissatisfied [illegible]

Article [illegible]

able cause to believe that illegality or error exists in respect of such imposition or collection, he may file an objection against the chief of an ordinary local public body within thirty days from the day on which he has received notice thereof.

Any person who has an objection relating to the right to use property or establishments as prescribed in Article 209 may file such objection against the mayor of a city, town or village.

In a case where objections prescribed in the preceding two paragraphs have been filed, the chief of an ordinary local public body shall, by referring it to the assembly, determine the same.

The assembly shall express its opinion within twenty days from the day on which the reference prescribed in the preceding paragraph has been effected.

An appeal to the court shall not be made, with respect to the matters contemplated in paragraphs 1 and 2 until after the decision contemplated in paragraphs 3 has been obtained.

Article 225. If any person fails to pay allotted charge, rent, entrance money, fee, administrative fine or any other revenue of an ordinary local public body within a fixed period, the chief of an ordinary local public body shall press for payment of the same, by designating a time limit.

If any person on whom statutory labor or actual articles have been imposed fails to execute it or to pay substitution money therefor within the fixed time limit, the chief of an ordinary local public body shall press him by designating a time limit; with respect to such statutory labor or actual articles as have been imposed in a case of urgency or other special circumstances, the chief of an ordinary local public body shall compute its amount further in terms of money and order payment thereof by designating a time limit.

In the cases contemplated, in the preceding two paragraphs, fees may be levied in accordance with the provisions of bylaw.

If a delinquent to whom the pressing for payments or order contemplated in paragraph 1 or 2 has been made or given, fails fully to pay within the designated time, he shall be dealt with in the same manner as in the disposition for arrears of national taxes.

A priority right shall be attached to the levies contemplated in paragraphs 1 to 3 inclusive which ranks next to the levies of the national government in the case of a metropolis, district or urban or rural prefecture and next to the priority of the national government and of a metropolis, district or urban or rural prefecture in the case of a city, town or village, and with respect to the additional collections, restitution and prescription of such levies, the same provisions as those applicable to national taxes shall have effect.

If any person has an objection to the disposition contemplated in the preceding three paragraphs which has been taken by the local officials upon delegation from the governor of a metropolis, district or urban or rural prefecture, he may file such objection against the governor of a metropolis, district, or urban or rural prefecture.

In a case where an objection as provided for in the preceding paragraph has been filed, the governor of a metropolis, district, or urban or rural prefecture shall, upon referring to the assembly, determine the same.

The assembly shall state its opinion within twenty days from the day when such reference as is provided for in the preceding paragraph has been made.

Among the dispositions prescribed in the provisions of paragraph 4, the execution of public sale of the articles attached shall be suspended until after such disposition has become final.

The dispositions prescribed in paragraph 4 may be effected even outside the area of the ordinary local public body.

Article 226. An ordinary local public body may, if and so long as it is necessary to do so for the purpose of repaying its debts or of effecting such expenditure as may be of permanent benefit to the ordinary local public body or on account of natural disasters, raise local bonds upon a resolution adopted by the assembly.

In a case where a resolution of the assembly is caused to be passed with respect to the raising of local bonds, a resolution shall also be caused to be passed thereat with respect of the manner of raising the same, rate of interest and manner of repayment.

An ordinary local public body shall not require the permission of the competent administrative offices with respect to the raising of local bonds, provided that there shall be an application of the provisions of Article 260.

Article 227. The chief of an ordinary local public body may, upon the resolution adopted by the assembly, incur debt on a temporary basis for the purpose of making defrayments within the budget.

The debt contemplated in the preceding paragraph shall be repaid with a revenue which shall be obtained within that fiscal year.

Section III. Disbursements

Article 228. An ordinary local public body is bound to pay its necessary expenses and such expenses as have hitherto fallen thereon under laws or ordinances duly authorized by laws and which hereafter shall fall thereon under laws or cabinet orders duly authorized by laws.

With respect to expenses necessary for the chief of an ordinary local public body or local officials who are his auxiliary agencies or the election administration committee in the disposal of the affairs of the national government, other local public bodies or other public bodies, the local public body concerned shall pay the same, except for those which are specially provided for in law or cabinet order.

Article 229 In the case where an ordinary local public body or its chief, or the officials who are his auxiliary agencies or the election administration committee are caused to deal with, administer or execute the affairs of the national government that formerly were under laws and ordinances and which hereafter will come under laws and cabinet orders, necessary measures with respect to such sources of revenue as are necessary for the expenses thereof shall be caused to be taken

Article 230 An ordinary local public body shall not pay public money for the benefit or maintenance of any religious institution or association or any charitable, *educational or benevolent enterprises not under the control of public authority*

Article 231 An ordinary local public body may, if it is necessary to do so for the public interests thereof, effect donation or subsidy

[illegible]

or treasurer

The chief accountant or treasurer shall not make any payment, unless an order thereof has been given by *the chief of an ordinary local public body, the same shall* be applied in the case where no estimate for expenditure exists for such payment as has been ordered and any payment out of the reserve fund, any diversion of an item of expenditure or any other manner of payment under the provisions relating to finance is [illegible]

Article 233 With respect to the prescription as regards any sum payable by an ordinary local public body, it shall be according to the prescription of such sums as are payable by the national government

Section IV Estimates

Article 234 The chief of an ordinary local public body shall draw up an estimate of annual revenue and expenditure for each fiscal year and obtain a resolution of the assembly thereon [illegible] the beginning of the fiscal year.

The fiscal year of an ordinary local public body shall be the same as that of the national government

When the chief of an ordinary local public body submits the estimates to the assembly he shall submit at the same time an [illegible] and other necessary papers

Article 235 The chief of an ordinary local public body may, upon the resolution of the assembly, supplement or revise the estimates as has already been determined.

The chief of an ordinary local public body may, if it is necessary to do so, draw up a provisional estimate of revenue and expenditure [illegible] during each fiscal year and submit it to the assembly

The provisional estimate [illegible] in the preceding paragraph shall [illegible] in a case where the estimate of revenue and expenditure for the fiscal year concerned has been made and in the case where there is expenditure or debts incurred on the provisionary estimate, such expenditure or debts shall be deemed to be expenditure or debts for the said fiscal year.

Article 236 If, in a case where, with respect to a matter the expenses for which are to be paid out of the fund of an ordinary local public body, the payment is expected to extend over a period of several years, such amount of expenditure as is fixed for each year during the period

[illegible]

[illegible]es-tablish a reserve fund to meet such expenditure as is not included in, or is in excess over, the estimate

The establishment of the reserve fund may be dispensed with in the case of a special account

The reserve fund shall not be appropriated for any outlay rejected by the assembly

Article 238 A return of the estimates shall be made to the Prime Minister in the case of a metropolis, district or urban or rural prefecture or to the governor of a metropolis, district or urban or rural prefecture in the case of a city, town or village immediately after a resolution has been passed by the assembly of an ordinary local public body, and public notice shall be given of a summary thereof at the same time

Article 239 An ordinary local public body may, upon the resolution adopted by its assembly, establish a special account

Section V Receipts and Expenditure and Fiscal Accounts

Article 240 The receipts and expenditure of an ordinary local public body shall be [illegible] on the [illegible] and extraordinary audit shall be held at least twice in each fiscal year

An audit shall be conducted by the [illegible] and an extraordinary audit [illegible] of two or more assemblymen elected [illegible] from among the members of the assembly of an ordinary local public body shall be [illegible]

The [illegible] of the assembly of an ordinary local public body and the chief thereof

In a city, town or village where [illegible] provided for in paragraph 2 [illegible] shall be [illegible] of a [illegible]

Article 241 The [illegible] of an ordinary local public body [illegible] the [illegible] fiscal year

Article 242 [illegible]

this case, the chief treasurer shall submit the same within one month after the closing of receipts and expenditure.

The chief of an ordinary local public body shall refer the final account and instruments and papers to the inspection commissioners for examination and submit the same as accompanied by the opinion thereon of the latter to the approval of the assembly until at meeting thereof at which the next ordinary estimates are to be discussed.

A report shall be made to the Prime Minister in the case of a metropolis, district or urban or rural prefecture, or to the prefectural governor in the case of a city, town or village, of the final accounts together with resolution passed by the assembly on the approval thereof, and public notice shall be given of a summary thereof.

In the case of a city, town or village which has no inspection commissioners, the duties of the inspection commissioner prescribed in paragraph 2 shall be executed by the mayor of a city, town or village himself.

Section VI. Sundry Rules

Article 243. Unless otherwise provided for in laws or cabinet orders duly authorized by laws, an ordinary local public body shall cause the sale or loan of property, the contract of construction works or the supply of things, labor or the like to be submitted to competitive bidding, except in a case where urgency of execution is required, the gains fail to cover the losses if the price of an object for bidding is compared with the cost necessary for bidding, or in a case where the consent of the assembly has been obtained.

Among the resolutions of an ordinary local public body concerning the sale, lease or loan of property the contract of construction works or the supply of things, labor or the like, with respect to the important matters determined by bylaws, the consent of two-thirds or more of the assemblymen present shall be obtained.

An ordinary local public body may not delegate its authority of collection of public money on disbursement thereof to any private bodies or natural persons or cause such bodies or persons to execute such authority or to participate in the issuance of license of business and other similar disposition whatsoever or in the collection of public money relating to such disposition; provided that it shall not prevent the collection of the taxes to be collected at sources or the taxes to be paid by the consumers cr transactor on the accession of consumption or transaction in accordance with the provisions of law.

The representative of a private body (if there is no definite representative, the person who corresponds to such person) or a natural person who collects the taxes which an ordinary local public body is entitled to collect in accordance with the provision of the proviso to the preceding paragraph, shall, in accordance with the regulations of the ordinary local public body concerned, make an accounting of the same and produce the statement of accounts with books and records in support of such accounting for examination to the chief accountant or the treasurer of the ordinary local public body concerned. The statement of accounts and the books and records in support of such accounting shall be signed with seal and certified by the proper official for tax collection of the said body or the natural person concerned to certify such to be true and correct.

If it is disclosed through the examination provided for in the preceding paragraph that there is an illegality in the handling of public money, the chief accountant or the treasurer must refer the matter forthwith to the public procurator.

Article 243-2. In case where the inhabitants of an ordinary local public body considers, that the chief of an ordinary local public body, the chief accountant or treasurer, or other officials concerned makes an unlawful expenditure or improper squandering of public funds or public property, or the misapplication of public funds provided for a specific purpose, or the creation of an illegal debt or other liability, or the unlawful misuse of public real or personnel property, or the execution or performance of an unlawful and ultra vires contract, may make a demand for the inspection commissioners, attaching the document proving the matter, to make inspection and to take measures concerning restraint, enjoining and prohibition of the action concerned.

In a case where a demand contemplated in the provisions of the preceding paragraph has been made, the inspection commissioners shall carry out inspection within twenty days and if it is considered that there is such matter as is concerned with the demand, demand the chief of an ordinary local public body to restrain, enjoin or prohibit the action concerned in a case where it is considered that there is no matter as is concerned with the demand, notify the matter to the person who has made the demand contemplated in accordance with the provisions of paragraph 1.

In a case where a demand of the inspection commissioners contemplated in the provisions of the preceding paragraph has been made, the chief of an ordinary local public body shall take forthwith such measures as may be necessary and at the same time notify the matter to the inspection commissioners and the person who made the demand contemplated in accordance with the provisions of paragraph 1.

In a case where the person who has made the demand is dissatisfied with the disposition of the inspection commissioners or the chief of an ordinary local public body in accordance with the provisions of the preceding two paragraphs or they have not taken such measures, the person who has made the demand contemplated in the provisions of paragraph 1 may, according as it may be provided for by the Supreme Court, ask court for a trial concerning the enjoining, prohibition, revocation or invalidity of the unlawful or ultra vires action concerned of an official or the officials concerned or the com-

pensation of damages by the ordinary local public body concerned accompanied such enjoining, prohibition, revocation or invalidity

In the city, town or village having no inspection commissioner, the demand contemplated in accordance with the provisions of paragraph 1 shall be made to the mayor of the city, town or village and the duties of the inspection commissioners and of the chief of an ordinary local public body contemplated in the provisions of paragraphs 2 and 3 shall be executed by the mayor of the city, town or village himself

Article 244 The chief of an ordinary local public body shall, in accordance with the provisions of bylaw, make up, twice or more in each year, documents explaining matters relating to conditions of expenditure of the estimate, conditions of revenue, the present amount of property, public loans and the debt of temporary loans and to other matters of finance and shall make the same public to the inhabitants

The chief of an ordinary local public body shall, for the purpose of making clear the conditions of management in respect of the enterprises which have been designated by its assembly, make up balance sheets and other necessary documents at regular intervals, submit the same to the inspection of the inspection commissioners and present the same as accompanied by the opinion of the latter at the next meeting of the assembly

Such part of the provisions of the preceding paragraph as relates to the inspection of the inspection commissioners shall not be applied to a city, town or village which has no inspection commissioner

Article 245 Such provisions as may be necessary in connection with the form in which the estimates or final accounts are to be drawn up, the diversion of items of the estimates or any other matters relating to finance may be prescribed in ordinances

Chapter X Supervision

Article 246 The competent administrative offices may, if it is necessary, cause an ordinary local public body to make report of its affairs relating to finance, produce document and accounts books and in actual practice may inspect its affairs relating to finance or audit its revenues and expenditures

Article 247 When there is any disability on the part of both the chief of an ordinary local public body and the vice-governor or the deputy-mayor (including the person who discharges the functions of the chief of an ordinary local public body contemplated in the provisions of Article 152, Paragraph 2, the same shall be applicable hereafter in this Article,) or when the posts of the chief of an ordinary local public body, the vice-governor or the deputy-mayor are vacant, the senior local secretarial official, who has been designated by the regulations of the ordinary local public body concerned, with the exception of those on whose part there is a disability, shall perform the duties of the chief of the ordinary local public body

When there is any disability on the part of both the chief accountant and the assistant accountant or the treasurer and the assistant treasurer (including the person who discharges the function of the treasurer contemplated in the provisions of Article 170, Paragraph 4, and the same shall be applicable hereafter in this Article,) or when the posts of both the chief accountant and the assistant accountant or the treasurer and the assistant treasurer are vacant, the senior accountant who is decided by the regulations of the ordinary local public body concerned shall, except for those on whose part there is any disability, perform the duties of the chief accountant or the treasurer

Article 248 If, in a case where the election administration committee of an ordinary local public body, the assembly of the ordinary local public body concerned is also not formed, the competent authorities may select members of a temporary election administration committee to perform the duties of the members of the election administration committee

Article 249 The allowances to a member of the temporary election administration committee shall be determined in conformity to the allowances to a member of the election administration committee of the ordinary local public body concerned

Article 250 If an ordinary local public body intends, except the debt for temporary loans prescribed in Article 227, to raise a local loan and then alter the manner of raising such loan, the rate of interest and the manner of repayment, the permission of the competent authority shall be obtained in accordance with the provisions of cabinet orders for the time being

Article 251 Deleted

Article 252 When an ordinary local public body has made, amended or abolished its bylaws except for those bylaws contemplated in the provisions of Article 3, Paragraph 3, a report thereof shall, in accordance with the provisions of cabinet order, be made to the competent administrative offices

Chapter XI Supplementary Provisions

Article 253 If there is any of such matters falling within the powers of the governor of a metropolis, district or urban or rural prefecture and relating to a city, town or village, as affect several metropolis, district or

this case, the chief treasurer shall submit the same within one month after the closing of receipts and expenditure.

The chief of an ordinary local public body shall refer the final account and instruments and papers to the inspection commissioners for examination and submit the same as accompanied by the opinion thereon of the latter to the approval of the assembly until at meeting thereof at which the next ordinary estimates are to be discussed.

A report shall be made to the Prime Minister in the case of a metropolis, district or urban or rural prefecture, or to the prefectural governor in the case of a city, town or village, of the final accounts together with resolution passed by the assembly on the approval thereof, and public notice shall be given of a summary thereof.

In the case of a city, town or village which has no inspection commissioners, the duties of the inspection commissioner prescribed in paragraph 2 shall be executed by the mayor of a city, town or village himself.

Section VI. Sundry Rules

Article 243. Unless otherwise provided for in laws or cabinet orders duly authorized by laws, an ordinary local public body shall cause the sale or loan of property, the contract of construction works or the supply of things, labor or the like to be submitted to competitive bidding, except in a case where urgency of execution is required, the gains fail to cover the losses if the price of an object for bidding is compared with the cost necessary for bidding, or in a case where the consent of the assembly has been obtained.

Among the resolutions of an ordinary local public body concerning the sale, lease or loan of property the contract of construction works or the supply of things, labor or the like, with respect to the important matters determined by bylaws, the consent of two-thirds or more of the assemblymen present shall be obtained.

An ordinary local public body may not delegate its authority of collection of public money on disbursement thereof to any private bodies or natural persons or cause such bodies or persons to execute such authority or to participate in the issuance of license of business and other similar disposition whatsoever or in the collection of public money relating to such disposition; provided that it shall not prevent the collection of the taxes to be collected at sources or the taxes to be paid by the consumers cr transactor on the accession of consumption or transaction in accordance with the provisions of law.

The representative of a private body (if there is no definite representative, the person who corresponds to such person) or a natural person who collects the taxes which an ordinary local public body is entitled to collect in accordance with the provision of the proviso to the preceding paragraph, shall, in accordance with the regulations of the ordinary local public body concerned, make an accounting of the same and produce the statement of accounts with books and records in support of such accounting for examination to the chief accountant or the treasurer of the ordinary local public body concerned. The statement of accounts and the books and records in support of such accounting shall be signed with seal and certified by the proper official for tax collection of the said body or the natural person concerned to certify such to be true and correct.

If it is disclosed through the examination provided for in the preceding paragraph that there is an illegality in the handling of public money, the chief accountant or the treasurer must refer the matter forthwith to the public procurator.

Article 243-2. In case where the inhabitants of an ordinary local public body considers, that the chief of an ordinary local public body, the chief accountant or treasurer, or other officials concerned makes an unlawful expenditure or improper squandering of public funds or public property, or the misapplication of public funds provided for a specific purpose, or the creation of an illegal debt or other liability, or the unlawful misuse of public real or personnel property, or the execution or performance of an unlawful and ultra vires contract, may make a demand for the inspection commissioners, attaching the document proving the matter, to make inspection and to take measures concerning restraint, enjoining and prohibition of the action concerned.

In a case where a demand contemplated in the provisions of the preceding paragraph has been made, the inspection commissioners shall carry out inspection within twenty days and if it is considered that there is such matter as is concerned with the demand, demand the chief of an ordinary local public body to restrain, enjoin or prohibit the action concerned in a case where it is considered that there is no matter as is concerned with the demand, notify the matter to the person who has made the demand contemplated in accordance with the provisions of paragraph 1.

In a case where a demand of the inspection commissioners contemplated in the provisions of the preceding paragraph has been made, the chief of an ordinary local public body shall take forthwith such measures as may be necessary and at the same time notify the matter to the inspection commissioners and the person who made the demand contemplated in accordance with the provisions of paragraph 1.

In a case where the person who has made the demand is dissatisfied with the disposition of the inspection commissioners or the chief of an ordinary local public body in accordance with the provisions of the preceding two paragraphs or they have not taken such measures, the person who has made the demand contemplated in the provisions of paragraph 1 may, according as it may be provided for by the Supreme Court, ask court for a trial concerning the enjoining, prohibition, revocation or invalidity of the unlawful or ultra vires action concerned of an official or the officials concerned or the com-

pensation of damages by the ordinary local public body concerned accompanied such enjoining, prohibition, revocation or invalidity

In the city, town or village having no inspection commissioner, the demand contemplated in accordance with the provisions of paragraph 1 shall be made to the mayor of the city, town or village and the duties of the inspection commissioners and of the chief of an ordinary local public body contemplated in the provisions of paragraphs 2 and 3 shall be executed by the mayor of the city, town or village himself

Article 244 The chief of an ordinary local public body shall, in accordance with the provisions of bylaw, make up, twice or more in each year, documents explaining matters relating to conditions of expenditure of the estimate, conditions of revenue, the present amount of property, public loans and the debt of temporary loans and to other matters of finance and shall make the same public to the inhabitants

The chief of an ordinary local public body shall, for the purpose of making clear the conditions of management in respect of the enterprises which have been designated by its assembly, make up balance sheets and other necessary documents at regular intervals, submit the same to the inspection of the inspection commissioners and present the same as accompanied by the opinion of the latter at the next meeting of the assembly

Such part of the provisions of the preceding paragraph as relates to the inspection of the inspection commissioners shall not be applied to a city, town or village which has no inspection commissioner

Article 245 Such provisions as may be necessary in connection with the form in which the estimates or final accounts are to be drawn up, the diversion of items of the estimates or any other matters relating to finance may be prescribed in ordinances

Chapter X Supervision

Article 246 The competent administrative offices may, if it is necessary, cause an ordinary local public body to make report of its affairs relating to finance, produce document and accounts books and in actual practice may inspect its affairs relating to finance or audit its revenues and expenditures

Article 247 When there is any disability on the part of both the chief of an ordinary local public body and the vice-governor or the deputy-mayor (including the person who discharges the functions of the chief of an ordinary local public body contemplated in the provisions of Article 152, Paragraph 2, the same shall be applicable hereafter in this Article,) or when the posts of the chief of an ordinary local public body, the vice-governor or the deputy-mayor are vacant, the senior local secretarial official, who has been designated by the regulations of the ordinary local public body concerned, with the exception of those on whose part there is a disability, shall perform the duties of the chief of the ordinary local public body

When there is any disability on the part of both the chief accountant and the assistant accountant or the treasurer and the assistant treasurer (including the per- [illegible] assistant accountant or the treasurer and the assistant treasurer are vacant, the senior accountant who is decided by the regulations of the ordinary local public body concerned shall, except for those on whose part there is any disability, perform the duties of the chief accountant or the treasurer

Article 248 If, in a case where the election administration committee of an ordinary local public body, the assembly of the ordinary local public body concerned is also not formed, the competent authorities may select members of a temporary election administration committee to perform the duties of the members of the election administration committee

Article 249 The allowances to a member of the temporary election administration committee shall be [illegible] mined in conformity to the allowances to a [illegible] the election administration committee of the [illegible] local public body concerned

Article 250 If an ordinary local [illegible] except the debt for temporary loans [illegible] 227, to raise a local loan and then [illegible] raising such loan, the rate of [illegible] repayment, the permission of the [illegible] shall be obtained in accordance [illegible] cabinet orders for the time [illegible]

Article 251 Deleted.

Article 252. When an [illegible] made, amended or [illegible] bylaws contemplated [illegible] Paragraph 3, a [illegible] the provisions of [illegible] tent [illegible]

Chapter XI . Supplementary [illegible]

Article 253 If there is any of such matters falling within the powers of the governor of a metropolis, dis- [illegible]

urban or rural prefectures, the governor of a metropolis, district or urban or rural prefecture, who shall manage such matters, shall be designated by the mutual agreements of the governors of the metropolis, district or urban or rural prefectures concerned.

Article 254. The population prescribed in this Law shall be determined by the latest population notified to the public by *Official Gazette*.

Article 255. Except those which are provided for in this Law, necessary matters for the cases contemplated in the provisions o' Article 6, Paragraphs 1, 2 and Article 7, Paragraphs 1 and 2 shall be provided for by cabinet orders.

Article 256. Except those which are specially provided for in this Law, filing of an objection or filing of an appeal shall be made within twenty-one days from the day of disposition or determination.

For any person who has not received the written determination, the period contemplated in the provisions of the preceding paragraph shall be computed as from the day of the public notice.

In the computation of the period of the filing of an objection, the example of the computation of the period of filing an appeal shall be followed.

The filing of an objection may be accepted, when it is considered there is a just reason for recognizing it, even after the fixed day has passed.

Article 257. Except those which are specially provided for in this Law, the determination on an objection shall be effected within thirty days from the day when the filing of the objection was received.

In the case where a determination on an objection has not been effected within the period required for the determination on an objection, it may be deemed that a determination of rejection of the same has been made.

The determination on an objection shall be effected by in writing and be delivered to the person himself with the reasons attached thereto.

Article 258. Even in the cases where an objection has been filed, the execution of disposition shall not be suspended, provided that the administrative offices may, if it is considered necessary to do so *ex cathedra* or upon the demand of any person concerned, suspend it.

Article 259. In cases where it is intended to create newly or abolish the area of a "gun" or to alter the area or name of the same, the governor of a metropolis, district or urban or rural prefectural shall, upon obtaining the resolution of the assembly of the metropolis, district or urban or rural prefecture concerned, determine the same and make a report thereof to the Prime Minister.

In a case where a city has been created within the area of a "gun" or in a case where the boundary of a city, town or village has been altered affecting the boundaries of "gun," such area of the "gun" shall also be subject to alteration.

In a case where a town or village has been created affecting the boundaries of the area of "gun," the area of a "gun" to which such town or village is to belong shall be determined in accordance with the example of Paragraph 1.

In the cases contemplated in Paragraphs 1 to 3 inclusive the Prime Minister shall forthwith give public notice thereof.

Necessary matters in the cases contemplated in the provisions of Paragraphs 1 to 3 inclusive shall be provided for in cabinet order.

Article 260. Except for those cases which are specially provided for in cabinet orders, where it is intended to create newly or abolish the area of a town or hamlet within the area of a city, town or village, or to alter the area or name of a town or hamlet, the mayor of a city, town or village shall, upon obtaining the resolution of the assembly of the city, town or village concerned, determine the same and shall file a report thereof to the governor of the metropolis, district or urban or rural prefecture.

In a case where the report contemplated in the provisions of the preceding paragraph has been received, the governor of a metropolis, district or urban or rural prefecture shall forthwith give public notice thereof and report the same to the Prime Minister.

Article 261. In a case where such special law as is applicable only to one ordinary local public body has been enacted by the National Diet, the Speaker of the House of Representatives shall notify the Prime Minister to that effect with the said law attached thereto.

In a case where the notification contemplated in the provisions of the preceding paragraph has been effected, the Prime Minister shall, within five days from the date on which such notification has been effected, notify to that effect to the chief of the ordinary local public body concerned and at the same time forward the said law and other documents relevant thereto.

In a case where the notification contemplated in the provisions of the preceding paragraph has been effected, the chief of the ordinary local public body concerned shall, cause the election administration committee to take the vote of pros and cons with respect to the law concerned, not earlier than the thirty first day but not later than the sixtieth day from the date on which such notification has been given.

In a case where the result of the vote contemplated in the provisions of the preceding paragraph has become known, the chief of the ordinary local public body concerned shall, within five days from the day on which such result has become known, report the result to the Prime Minister together with the relevant documents attached thereto. The same shall apply in a case where the result of the vote has become final.

In a case where the report to the effect that the result of the vote contemplated in the provisions of Paragraph 3 has become final has been made in accordance with the

provisions of the preceding paragraph, the Prime Minister shall forthwith take proceedings for the promulgation of the said law and at the same time notify the same to the Speaker of the House of Representatives.

Article 262 Except those which are specially provided for by Cabinet Orders, the provisions of Chapter IV shall apply mutatis mutandis to the vote contemplated in the provisions of Paragraph 3 of the preceding Article.

The vote contemplated in the provisions of the preceding Article, Paragraph 3, may, in accordance with the provisions of cabinet orders, be held simultaneously with an election of an ordinary local public body or the vote of dissolution contemplated in the provisions of Article 76, Paragraph 3, or the vote of dismissal contemplated in the provisions of Article 80, Paragraph 3 and Article 81, Paragraph 2, or the vote contemplated in the provisions of Article 213, Paragraph 4

Article 263 "A counting" contemplated in the provisions of Article 22, Paragraph 2, shall be deemed to include the area of jurisdiction of the chief of a local branch office in the case of a metropolis, to be the area of jurisdiction of a chief of a local branch office in the case of a district, and "a city" contemplated in the provisions of the same paragraph, shall, in the case of a city contemplated in the provisions of Article 155, Paragraph 2, be deemed to be a ward

With respect to the election of a metropolis, the provisions relating to a city in Chapter IV shall be applied to a special ward.

With respect to the election of a metropolis [illegible] or urban or rural prefecture, the provisions [illegible] town and village in Chapter IV shall be [illegible] whole-affairs association or town or village [illegible] association.

Article 263-2 An ordinary local [illegible] upon the resolution adopted by its [illegible] ing to national juristic person [illegible] resenting the benefit thereof, [illegible] ordinary local public body, [illegible] assistance enterprise against [illegible] or public institutions due to [illegible] disasters or other disasters [illegible]

The juristic person [illegible] in the preceding paragraph [illegible] once every year, [illegible] of the enterprise [illegible] body concerned [illegible] appropriate [illegible]

The chief [illegible] cerned shall [illegible] information [illegible]

The [illegible] to those [illegible] prescribed [illegible] ance [illegible]

Volume III. Special Local [illegible]

Chapter I. Special [illegible]

Article 264 A special city shall deal with its public affairs, such affairs as belong to city special bylaws or cabinet orders duly authorized by laws and such affairs as hitherto belonged to a metropolis, district or urban or rural prefecture and city bylaws or ordinances duly authorized bylaws (except those which are specially provided for by cabinet orders duly authorized bylaws, and such other administrative affairs within its area as [illegible]

Article 265 A special city shall be [illegible] the [illegible] of a metropolis, district or urban or rural [illegible]

A special city shall be designated by law [illegible] with a population of five hundred thousand [illegible] the case of the abolition of such [illegible] shall apply

If it is intended to create, dissolve, [illegible] gamate or alter the boundaries of a [illegible] be provided for by law, provided that [illegible] area of a city, town or village [illegible] assigned territory is to be [illegible] special city, the Prime Minister [illegible]

visions contemplated in Article 9 shall mutatis mutandis be applied.

Article 267. Any person who has his residence within the area of a special city shall be an inhabitant of the said special city.

Article 268. A special city shall have a mayor and deputy-mayors.

The full number of deputy-mayors shall be provided for by bylaw.

A mayor of a special city shall manage and administer the affairs of the special city concerned, such affairs of the national government, other local public bodies and other public bodies as fall under his powers by laws or cabinet orders duly authorized by laws and, except those specially provided for in cabinet orders duly authorized by laws such affairs of the national government, other local public bodies and other public bodies as fall under the powers of a governor of a metropolis, district or urban or rural prefecture or of a mayor hitherto by laws and ordinances duly authorized by laws.

Article 269. A special city shall have one treasurer and several assistant treasurers.

The full number of assistant treasurers shall be provided for by bylaw.

Article 270. A special city shall create, by bylaw, an administrative ward by dividing its area for the purpose of alloting the affairs under the powers of the mayor, and shall establish offices thereof.

A mayor of a special city may, by bylaw, establish at necessary places a branch office of an administrative ward for the purpose of alloting the affairs under the powers of the chief of a ward.

The location, name and area of jurisdiction of an office of an administrative ward or its branch office, shall be provided for by bylaw.

Article 271. An administrative ward shall have a chief of a ward and one deputy chief of a ward.

A chief of a ward shall, from among such persons as are eligible, be elected by the vote of electors.

The deputy chief of a ward shall be appointed from among local secretarial officials of a special city by the mayor of the special city.

The chief of a ward shall, in accordance with the determination of the mayor of a special city, administer the affairs of a special city relating to the area of the ward, such affairs of the national government, other local public bodies and other public bodies as fall under the powers of the mayor of a special city and such affairs of the national government, other local public bodies and other public bodies as fall under his powers by laws or cabinet orders duly authorized by laws.

The deputy chief of a ward shall assist the affairs of the chief of a ward and perform on his behalf the duties devolving upon him in a case where there is any disability on the part of the chief of a ward or the office of the chief of a ward is vacant.

Article 272. An administrative ward shall respectively have one ward treasurer and one assistant ward treasurer.

A ward treasurer and an assistant ward treasurer shall be appointed by the mayor of a special city from among the local secretarial officials of the special city.

A person who is related with the mayor, deputy mayor, treasurer, assistant treasurer or inspection commissioner of a special city or the chief or deputy chief of a ward by the tie of father and son, of husband and wife or of brother and sister, shall not be appointed to the office of ward treasurer or assistant ward treasurer.

A ward treasurer or assistant treasurer shall, if he has come to be involved in the tie contemplated in the preceding paragraph, lose his office.

The provisions contemplated in Paragraph 3 shall apply to a ward treasurer or assistant ward treasurer with respect to the mutual relationship between a ward treasurer and an assistant ward treasurer, and the provisions contemplated in the preceding paragraph shall apply to an assistant ward treasurer with respect to the mutual relationship between a ward treasurer and an assistant ward treasurer.

Article 273. The ward treasurer shall, under the direction of the treasurers of a special city, take charge of affairs concerning the revenues and expenditures and other affairs relating to the accounts of the special city and the revenues and expenditures and other affairs relating to the accounts of the national government, other local public bodies or other public bodies falling under the powers of a mayor, chief of a ward, and other local officials of the special city and of the electoral administration committee of a special city or an administrative ward.

The mayor of a special city may delegate a portion of the affairs of a treasurer to a ward treasurer; provided that, in regard to the revenues and expenditures and other affairs relating to the accounts of the special city, the consent of the assembly shall be obtained beforehand.

The chief of a ward may, after obtaining the permission of the mayor of a special city, delegate a portion of the affairs of the ward treasurer to the assistant ward treasurer.

Except those contemplated in the provision of the preceding two paragraphs, the provisions relating to a treasurer and assistant treasurer of a city shall be applied mutatis mutandis in regard to the powers of the ward treasurer and assistant ward treasurer.

Article 274. An administrative ward may have a ward accountant.

A ward accountant shall be appointed by the mayor of a special city from among the local secretarial officials of the special city.

A ward accountant shall take charge of the affairs relating to revenue and expenditure under the directions of the ward treasurer.

Article 275. Except those contemplated in the pre-

ceding four Articles, the administrative ward shall have local officials necessary to it, and they shall be appointed or dismissed by the mayor of a special city upon application of the chief of a ward

The local officials contemplated in the preceding paragraph shall be local officials of the special city and the full number of such officials shall be provided for by bylaws

The local officials contemplated in Paragraph 1 shall take charge of secretarial or technical affairs under the direction of the chief of the ward

The chief of a ward may delegate a portion of the affairs falling under his powers to the local officials provided for in Paragraph 1 or cause him provisionally to administer on his behalf

Article 276 An administrative ward shall have an election administration committee

With respect to the election administration committee contemplated in the preceding paragraph, the provisions concerning the election administration committee of a city in Volume II, Chapter VII, Section II shall

Article 91, Paragraph 1 and 3, Article 121, Article 145, Article 152, Article 160, Article 162 to Article 167 inclusive, Article 168, Paragraph 5 and 6, Article 169 to Article 171 inclusive, Article 209, Article 218, Article 221, Article 224, Article 232, Article 242, Paragraph 1 and Article 260 shall be applied to a special city

Article 278 Unless otherwise provided for in this Law or cabinet orders duly authorized by this Law the provisions concerning a metropolis, district or urban or rural prefecture in Volume II shall be applied to a special city

Article 279 In a case where, with respect to an election of a special city, the provisions relating to the election of metropolis, district or urban or rural prefecture in Volume II, Chapter IV shall be applied in accordance with the provisions of the preceding Article, the provisions relating to a city shall be applied to an administrative ward

With respect to the provisions relating to the electors' register in Volume II, Chapter IV, the same rule shall be applied

Article 280 Except for those provided for in this Law, necessary matters relating to a special city shall be provided for by cabinet order

Chapter II Special Wards

Article 281 A ward of a metropolis shall be a special ward

A special ward shall deal with its public affairs and such affairs as are charged with a special ward by laws or cabinet orders duly authorized by laws or bylaws of a metropolis and in addition to such affairs as were hitherto charged with a ward of a metropolis by laws or ordinances duly authorized by laws or bylaws of a metropolis and such other administrative affairs within its area as do not belong to national affairs

The provisions contemplated in Article 2, Paragraph 3 and 4 shall be applied mutatis mutandis to the affairs contemplated in the preceding paragraph

Article 282 A metropolis may, with respect to a special ward, provide for necessary provisions by its bylaws

Article 283 Except those provided for in cabinet orders, the provisions concerning a city in Volume II shall be applied to a special ward

Chapter III Association of Local Public Bodies

Article 284 Ordinary local public bodies, special cities and special wards may, except in the cases provided for in Paragraph 3, for the purpose of managing jointly a portion of their affairs, frame articles of association by their mutual agreement and create an association of local public bodies (it shall be referred to as a partial-affairs-association) upon obtaining the permission of the Prime Minister in the case of an association which metropolis, district or urban or rural prefectures and special cities are to join or of the governor of a metropolis, district or urban or rural prefecture in the case of an association other than the latter in this case, if none of such matters remain as fall under the powers of the executive organ of a local public body within the association, such executive organ shall be abolished at the same time as the formation of the association

In a case where there is a special necessity, towns and villages may, for the purpose of managing jointly the whole of their affairs, frame articles of association by their mutual agreement and create an association of towns and villages (it shall be referred to as a whole-affairs-association) in conformity to the provisions of the preceding paragraph, in this case, the assemblies and executive organs of the respective towns and villages within the association shall be abolished at the same time as the formation of the association

In a case where there is a special necessity, towns and villages may, for the purpose of managing jointly the affairs of town and village offices, create an association of towns and villages (it shall be referred to as a town and village office-affairs-association) in conformity to the provisions of Paragraph 1· in this case, if none of

such matters remain as fall under the powers of the executive organ of a town or village within the association, the executive organ shall be abolished at the same time as the formation of the association.

In a case where it is necessary to do so for the public interest, the governor of a metropolis, district or urban or rural prefecture may, in accordance with the provisions of cabinet orders, create an association of cities, towns, villages and special wards contemplated in the provision of Paragraph 1.

With respect to an association of cities, towns, villages and special wards contemplated in the preceding paragraph, special provisions may, notwithstanding any of the provisions in this Law, be made in cabinet orders.

Article 285. An association of local public bodies contemplated in the provisions of the preceding Article, Paragraph 1 to 4 inclusive shall be a jurisitc person.

Article 286. If an association of local public bodies purports to increase or reduce the number of the local public bodies of which the association is composed, or to alter the affairs which it manages jointly or to amend the articles of association, it shall, by mutual agreement of the local public bodies concerned, obtain the permission of the Prime Minister in the case of an association which is composed of metropolis, district or urban or rural prefectures and special cities, or of the governor of a metropolis, district or urban or rural prefecture in the case of an association other than the latter.

Notwithstanding the provisions of the preceding paragraph, a whole-affairs-association shall, by a resolution adopted by the assembly of the association, in a case where it purports to reduce the number of the towns and villages of which it is composed or to amend its articles of association, or by a mutual agreement between the association and a town or village which purports to join anew in a case where it purports to increase the number of the towns and villages of which it is composed, obtain the permission of the governor of a metropolis, district or urban or rural prefecture.

Article 287. In the articles of the partial-affairs-association, the provisions relating to such matters as follows, shall be provided for:

1. The name of the association;
2. The local public bodies which compose the association;
3. The affairs which shall be managed jointly by the association;
4. The location of the office of the association;
5. The organization of the assembly of the association and the manner of election of its assembly-men;
6. The organization of the executive organ of the association and the manner of its appointment;
7. The manner of defraying the expenses of the association.

Provisions shall be made with respect to the matters contemplated in the preceding paragraph, Item 1 to 4 inclusive in the articles of association of the whole-affairs-association and with respect to the matters contemplated in Item 1 to 5 inclusive and Item 7 of the same paragraph in the articles of association of the office-affairs-association.

Article 288. In a case where it is intended to dissolve a partial-affairs-association or a town or village office-affairs-association, a report to the Prime Minister or to the governor of a metropolis, district or urban or rural prefecture, in conformity to the provisions of Article 284, Paragraph 1, shall be made upon a mutual agreement of the local public bodies concerned.

In a case where it is intended to dissolve a whole-affairs-association, a report to the governor of a metropolis, district or urban or rural prefecture shall be made upon obtaining a resolution adopted by the assembly of the association.

Article 289. If, in the cases contemplated in Article 286, or the preceding Article, disposition of property becomes necessary, the same shall be determined by the mutual agreement of the local public bodies concerned or by the mutual agreement between the local public bodies concerned and the association, or by a resolution adopted by the assembly of the association.

Article 290. With respect to the mutual agreement contemplated in Article 284, Paragraphs 1 to 3, Article 286, Article 288, Paragraph 1 and the preceding Article, the resolution of the assembly in the case of the local public body concerned and by the assembly of association in the case of the association shall be required.

Article 291. In a case where it is considered that there is an illegality or error with respect to the allotment of the expenses of the association of the local public bodies, a local public body may file an objection against the superintendent of the association within thirty days from the day on which such notification has been given.

In a case where an objection contemplated in the preceding paragraph has been filed, the superintendent of the association shall determine the same by referring it to the assembly of the association.

The assembly of the association shall express its opinion thereon within twenty days from which the reference contemplated in the provisions of the preceding paragraph has been made.

Article 292. Concerning associations of local public bodies, unless otherwise specially provided for in laws or cabinet orders duly authorized by laws, the provisions relating to a metropolis district or urban or rural prefecture shall be applied mutatis mutandis with respect to an association which metropolis, district or urban or rural prefectures or special cities join, and the provisions relating to cities to an association to which cities or special wards join but metropolis, district, urban or rural prefectures or special cities do not join, and the provisions relating to towns and villages to an association other than those two associations.

Article 293. The provisions of Article 253 shall be applied mutatis mutandis to the disposition in accordance with the provisions of Article 284, Paragraph 1 to 4 inclusive, Article 286 and Article 288

Chapter IV Property-wards

Article 294 Except for those provided for in laws or cabinet orders duly authorized by laws if there is such part of a city, town or village or of a special ward as has property or sets up an establishment, (this shall be referred to as a property ward) the management and disposition of such property or establishment shall be in accordance with the provisions relating to the management and disposition of property or establishment of a local public body contemplated in this Law

The expenses which may be specially requisite for the property or establishment contemplated in the preceding paragraph shall be borne by the property ward

In the cases contemplated in the preceding two paragraphs a local public body shall divide an account with respect to the incomes and expenditures of a property ward

Article 295 If it is considered that there is a necessity concerning the property or establishment of a property ward, the governor of a metropolis, district or urban or rural prefecture in the case of a property ward of a city, town or village or a special ward, and the mayor of a special city in the case of a property ward of a special city may cause a bylaw of a city, town or village or a special ward or special city upon obtaining a resolution adopted by the assembly to set up an assembly or general meeting of a property ward and may cause the latter to adopt resolutions concerning such matters as relate to the property ward as have to be resolved by the assembly of a city, town or village or a special ward or special city

Article 296 Matters relating to the full number, the term of office, the right to elect, the elegibility, and the elector's register of the assemblymen of the assembly of a property ward shall be provided for in the bylaw contemplated in the preceding Article The same rule shall apply to matters concerning the organization of the general meeting of a property ward

Except those contemplated in the preceding paragraph, with respect to an election of the assemblymen of the assembly of a property ward, the provisions relating to the elections of the assemblymen of the assemblies of towns or villages in Volume II shall mutatis mutandis be applied, provided that, the elegibility of a candidate shall be decided by the assembly of a city, town or village or a special city or special ward

With respect to the assembly or general meeting of a property ward, the provisions relating to the assembly of a town or village in Volume II shall be applied mutatis mutandis

Article 297 Except those provided for in this Law, with respect to the affairs of a property ward, provisions shall be made in cabinet order

Supplementary Provisions
(Law No 67, April 1947)

Article 1 This Law shall come into force as from the day of the enforcement of the Constitution of Japan

The Law specially provided for concerning the local officials of ordinary local public bodies shall be submitted to the National Diet not later than December 31, 1948

Article 2 The Law concerning the organization of Tokyo metropolis, the Law concerning the organizations of District, Urban or Rural Prefecture, the Law concerning the organization of Cities, Towns and Villages shall be repealed, provided that the provisions of Articles 189 to 191 inclusive and Article 198 of the Law concerning the organization of Tokyo metropolis shall remain valid

Article 3 At the time of the enforcement of this Law, any person in the office of a governor of Tokyo Metropolis, governor of Hokkaido Office, governor of an Urban or Rural Prefecture, mayor of a city, town or village or any person corresponding to a mayor of a city, town or village or a member of the assembly of Tokyo Metropolis, member of the assembly of an urban or rural prefecture, member of the assembly of a city, town or village or any person corresponding to a member of the assembly of a city, town or village or any person in office other than metropolis, district, urban or rural prefecture or a city, town, village or anything corresponding thereto, shall, except those provided for specially in this Law or any other laws, be deemed to be in office of the chief of a metropolis, district, urban or rural prefecture or mayor of a city, town or village or anyone corresponding thereto or of a member of the assembly of a metropolis, district or urban or rural prefecture or a city, town or village or anything corresponding thereto, who have been elected or appointed in accordance with this Law, and with respect to those having terms, such terms shall be calculated as from the date of the election or appointment under the former provisions

The full number of the assemblymen of the assembly of a metropolis or a special ward shall, notwithstanding the provisions of Article 90, Paragraph 1 or Article 91, Paragraph 1, be still in accordance with the former provisions until the next general election

Article 4 Unless otherwise provided for in this Law or other laws, with respect to the regulations for the organization of employment concerning the metropolis, district or urban or rural prefecture, the former provisions, provided for in the Ordinance relating to the government organization concerning the metropolis, district or urban or rural prefecture, shall be applied mutatis mutandis, provided that special provisions may be made in cabinet orders duly authorized by laws

such matters remain as fall under the powers of the executive organ of a town or village within the association, the executive organ shall be abolished at the same time as the formation of the association.

In a case where it is necessary to do so for the public interest, the governor of a metropolis, district or urban or rural prefecture may, in accordance with the provisions of cabinet orders, create an association of cities, towns, villages and special wards contemplated in the provision of Paragraph 1.

With respect to an association of cities, towns, villages and special wards contemplated in the preceding paragraph, special provisions may, notwithstanding any of the provisions in this Law, be made in cabinet orders.

Article 285. An association of local public bodies contemplated in the provisions of the preceding Article, Paragraph 1 to 4 inclusive shall be a jurisitc person.

Article 286. If an association of local public bodies purports to increase or reduce the number of the local public bodies of which the association is composed, or to alter the affairs which it manages jointly or to amend the articles of association, it shall, by mutual agreement of the local public bodies concerned, obtain the permission of the Prime Minister in the case of an association which is composed of metropolis, district or urban or rural prefectures and special cities, or of the governor of a metropolis, district or urban or rural prefecture in the case of an association other than the latter.

Notwithstanding the provisions of the preceding paragraph, a whole-affairs-association shall, by a resolution adopted by the assembly of the association, in a case where it purports to reduce the number of the towns and villages of which it is composed or to amend its articles of association, or by a mutual agreement between the association and a town or village which purports to join anew in a case where it purports to increase the number of the towns and villages of which it is composed, obtain the permission of the governor of a metropolis, district or urban or rural prefecture.

Article 287. In the articles of the partial-affairs-association, the provisions relating to such matters as follows, shall be provided for:

1. The name of the association;
2. The local public bodies which compose the association;
3. The affairs which shall be managed jointly by the association;
4. The location of the office of the association;
5. The organization of the assembly of the association and the manner of election of its assembly-men;
6. The organization of the executive organ of the association and the manner of its appointment;
7. The manner of defraying the expenses of the association.

Provisions shall be made with respect to the matters contemplated in the preceding paragraph, Item 1 to 4 inclusive in the articles of association of the whole-affairs-association and with respect to the matters contemplated in Item 1 to 5 inclusive and Item 7 of the same paragraph in the articles of association of the office-affairs-association.

Article 288. In a case where it is intended to dissolve a partial-affairs-association or a town or village office-affairs-association, a report to the Prime Minister or to the governor of a metropolis, district or urban or rural prefecture, in conformity to the provisions of Article 284, Paragraph 1, shall be made upon a mutual agreement of the local public bodies concerned.

In a case where it is intended to dissolve a whole-affairs-association, a report to the governor of a metropolis, district or urban or rural prefecture shall be made upon obtaining a resolution adopted by the assembly of the association.

Article 289. If, in the cases contemplated in Article 286, or the preceding Article, disposition of property becomes necessary, the same shall be determined by the mutual agreement of the local public bodies concerned or by the mutual agreement between the local public bodies concerned and the association, or by a resolution adopted by the assembly of the association.

Article 290. With respect to the mutual agreement contemplated in Article 284, Paragraphs 1 to 3, Article 286, Article 288, Paragraph 1 and the preceding Article, the resolution of the assembly in the case of the local public body concerned and by the assembly of association in the case of the association shall be required.

Article 291. In a case where it is considered that there is an illegality or error with respect to the allotment of the expenses of the association of the local public bodies, a local public body may file an objection against the superintendent of the association within thirty days from the day on which such notification has been given.

In a case where an objection contemplated in the preceding paragraph has been filed, the superintendent of the association shall determine the same by referring it to the assembly of the association.

The assembly of the association shall express its opinion thereon within twenty days from which the reference contemplated in the provisions of the preceding paragraph has been made.

Article 292. Concerning associations of local public bodies, unless otherwise specially provided for in laws or cabinet orders duly authorized by laws, the provisions relating to a metropolis district or urban or rural prefecture shall be applied mutatis mutandis with respect to an association which metropolis, district or urban or rural prefectures or special cities join, and the provisions relating to cities to an association to which cities or special wards join but metropolis, district, urban or rural prefectures or special cities do not join, and the provisions relating to towns and villages to an association other than those two associations.

Article 293 The provisions of Article 253 shall be applied mutatis mutandis to the disposition in accordance with the provisions of Article 284, Paragraph 1 to 4 inclusive, Article 286 and Article 288

Chapter IV Property-wards

Article 294 Except for those provided for in laws or cabinet orders duly authorized by laws if there is such part of a city, town or village or of a special ward as has property or sets up an establishment, (this shall be referred to as a property ward) the management and disposition of such property or establishment shall be in accordance with the provisions relating to the management and disposition of property or establishment of a local public body contemplated in this Law

The expenses which may be specially requisite for the property or establishment contemplated in the preceding paragraph shall be borne by the property ward

In the cases contemplated in the preceding two paragraphs a local public body shall divide an account with respect to the incomes and expenditures of a property ward

Article 295 If it is considered that there is a necessity concerning the property or establishment of a property ward, the governor of a metropolis, district or urban or rural prefecture in the case of a property ward of a city, town or village or a special ward, and the mayor of a special city in the case of a property ward of a special city may cause a bylaw of a city, town or village or a special ward or special city upon obtaining a resolution adopted by the assembly to set up an assembly or general meeting of a property ward and may cause the latter to adopt resolutions concerning such matters as relate to the property ward as have to be resolved by the assembly of a city, town or village or a special ward or special city

Article 296 Matters relating to the full number, the term of office, the right to elect, the elegibility, and the elector s register of the assemblymen of the assembly of a property ward shall be provided for in the bylaw contemplated in the preceding Article The same rule shall apply to matters concerning the organization of the general meeting of a property ward

Except those contemplated in the preceding paragraph, with respect to an election of the assemblymen of the assembly of a property ward, the provisions relating to the elections of the assemblymen of the assemblies of towns or villages in Volume II shall mutatis mutandis be applied, provided that, the elegibility of a candidate shall be decided by the assembly of a city, town or village or a special city or special ward

With respect to the assembly or general meeting of a property ward, the provisions relating to the assembly of a town or village in Volume II shall be applied mutatis mutandis

Article 297 Except those provided for in this Law, with respect to the affairs of a property ward, provisions shall be made in cabinet order

Supplementary Provisions
(Law No 67, April 1947)

Article 1 This Law shall come into force as from the day of the enforcement of the Constitution of Japan

The Law specially provided for concerning the local officials of ordinary local public bodies shall be submitted to the National Diet not later than December 31, 1948

Article 2 The Law concerning the organization of Tokyo metropolis, the Law concerning the organizations of District, Urban or Rural Prefecture, the Law concerning the organization of Cities, Towns and Villages shall be repealed, provided that the provisions of Articles 189 to 191 inclusive and Article 198 of the Law concerning the organization of Tokyo metropolis shall remain valid

Article 3 At the time of the enforcement of this Law, any person in the office of a governor of Tokyo Metropolis, governor of Hokkaido Office, governor of an Urban or Rural Prefecture, mayor of a city, town or village or any person corresponding to a mayor of a city, town or village or a member of the assembly of Tokyo Metropolis, member of the assembly of an urban or rural prefecture, member of the assembly of a city, town or village or any person corresponding to a member of the assembly of a city, town or village or any person in office other than metropolis, district, urban or rural prefecture or a city, town, village or anything corresponding thereto, shall, except those provided for specially in this Law or any other laws, be deemed to be in office of the chief of a metropolis, district, urban or rural prefecture or mayor of a city, town or village or anyone corresponding thereto or of a member of the assembly of a metropolis, district or urban or rural prefecture or a city, town or village or anything corresponding thereto, who have been elected or appointed in accordance with this Law, and with respect to those having terms, such terms shall be calculated as from the date of the election or appointment under the former provisions

The full number of the assemblymen of the assembly of a metropolis or a special ward shall, notwithstanding the provisions of Article 90, Paragraph 1 or Article 91, Paragraph 1, be still in accordance with the former provisions until the next general election

Article 4 Unless otherwise provided for in this Law or other laws, with respect to the regulations for the organization of employment concerning the metropolis, district or urban or rural prefecture, the former provisions, provided for in the Ordinance relating to the government organization concerning the metropolis, district or urban or rural prefecture, shall be applied mutatis mutandis, provided that special provisions may be made in cabinet orders duly authorized by laws

Article 5. Unless otherwise provided for in this Law or other laws, with respect to local officials of a metropolis, district or urban or rural prefecture, the provisions respectively corresponding to the former provisions concerning the government officials or quasi-government officials of a metropolis, district or urban or rural prefecture shall be applied mutatis mutandis until a law providing for the local officials of an ordinary local public body is separately made, provided that special provisions may be made in cabinet orders duly authorized by laws.

Any local official of a metropolis, district or urban or rural prefecture shall not, in accordance with the provisions of cabinet orders duly authorized by law, be suspended by order by virtue of the convenience of business without the approval of the Status Committee.

The name, organization, powers and others of the Status Committee prescribed in the preceding paragraph shall be provided for in cabinet order duly authorized by laws.

Article 6. Deleted.

Article 7. Deleted.

Article 8. The local officials of a metropolis, district or urban or rural prefecture engaged in the affairs provided for in cabinet orders duly authorized by laws shall, notwithstanding the provisions of Article 172, Article 173 and Article 175, be deemed to be government officials for the time being. The necessary matters in this case shall be provided for in cabinet orders duly authorized by laws.

Article 9. Except those provided for in this Law, such matters as the limitations, allowances, service and discipline of local officials who are the auxiliary agency of a chief of the local public body, members of the election administration committee, clerk of the election administration committee, inspection commissioners, clerks assisting the inspection commissioners, shall be provided for in cabinet orders duly authorized by laws in conformity to the former provisions until a law concerning the local officials of ordinary local public body is enacted.

Article 10. A metropolis, district or urban or rural prefecture and special city shall deal with affairs concerning the treatment of personal affairs of former military or former quasi-military personnel and affairs concerning salaries and other remuneration to the families thereof.

With respect to the disposition of affairs prescribed in the preceding paragraph, exceptions may be made by cabinet orders duly authorized by laws.

The affairs contemplated in paragraph 1 shall be managed by the Welfare Bureau in case of a metropolis, by Welfare Division in case of a district or urban or rural prefecture, and by the Bureau or Division designated by the mayor in case of a special city.

The expenses required for the disposition of the affairs contemplated in Paragraph 1 shall be borne by the national treasury.

Article 11. Any procedure or any other act effected in accordance with the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of District, Urban or Rural Prefectures, the Law concerning the Organization of Cities, the Law concerning the Organization of Towns and Villages or in accordance with the ordinances issued in virtue of these Laws, shall be deemed to be a procedure or other act effected in accordance with provisions corresponding thereto in this Law or in the ordinances issued in virtue thereof.

Article 12. With respect to an election held in accordance with the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of District, Urban or Rural Prefectures, the Law concerning the Organization of Cities or the Law concerning the Organization of Towns and Villages or the Imperial Ordinances issued in virtue of these laws prior to the enforcement of this Law, the former provisions shall apply concerning an action to which the penal provisions, relating to the election of the Members of the House of Representatives which are applied mutatis mutandis, ought to have been applied.

Article 13. Provisions in other laws and cabinet orders concerning the local governor, Governor of Tokyo Metropolis, Governor of Hokkaido or government officials of a metropolis, district, urban or rural prefecture or a ward of Tokyo Metropolis, shall, unless otherwise provided for in cabinet orders duly authorized by laws, be deemed to be such provisions as relate respectively to the governor of a metropolis, district, urban or rural prefecture or mayor of a special city, governor of the metropolis, governor of the district or corresponding officials of a metropolis, district, urban or rural prefecture or a special ward.

Article 14. Provisions concerning Council of Aldermen of a metropolis, district or urban or rural prefecture or the Alderman of a metropolis, district or urban or rural prefecture or the Council of Aldermen of a city or the Alderman of a city provided for in other laws and cabinet orders duly authorized by laws, shall be deemed to be those provisions of this Law concerning the assembly of a metropolis, district or urban or rural prefecture or a special city or the assemblymen of assemblies thereof.

Article 15. If, in a case where the provisions of the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of a District, Urban or Rural Prefecture, the Law concerning the Organization of the Urban or Rural Prefectures, the Law concerning the Organization of Cities or the Law concerning the Organization of Towns or Villages are prescribed in other laws or ordinances duly authorized by laws, there is in this Law any provisions corresponding thereto, it shall be considered to point to the corresponding provisions in this Law, except in cases where

special provisions are made by cabinet orders duly authorized by laws

Article 16 Provisions in other laws or ordinances duly authorized by laws concerning a metropolis, district or urban or rural prefecture or a city, shall be applied to a special city, unless otherwise provided for in cabinet orders duly authorized by laws

Article 17 Provisions of other laws and ordinances duly authorized by laws concerning a city shall, unless otherwise provided for in cabinet orders duly authorized by laws, be also applied to a special ward

The provisions in other laws or ordinances duly authorized by laws relating to a city prescribed in the former provisions of Article 6 of the Law concerning the Organization of Cities or a city prescribed in Article 82, Paragraph 1 or Article 82, Paragraph 3 of the Law concerning the Organization of Cities, shall be deemed to be those provisions relating to a special city and a city contemplated in Article 155, Paragraph 2

Article 18 Provisions in other laws and ordinances concerning an area formerly under the jurisdiction of a head of "gun" shall be deemed to be those provisions relating to a "gun," provided that special provisions may be made by cabinet orders

Article 19 The provisions in other laws or ordinances duly authorized by laws concerning the election administration committee for the election of the members of the assembly of a metropolis, or the election administration committee for the election of the members of the assembly of a district, urban or rural prefecture or the election administration committee for the election of the members of the assembly of a city, town or village or the election administration committee corresponding to the election administration committee of a city, town or village, shall be deemed to be those provisions concerning the election administration committee of a metropolis, district, urban or rural prefecture or of a city, town or village or of anything corresponding to a city, town or village

Article 20 The right to vote and the eligibility for election of any person to whom the Law of Family Registration is not applied, shall be suspended for the time being

Any person contemplated in the preceding paragraph shall not be registered in the elector's register

Article 21 Provisions necessary for the enforcement of this Law shall be determined by cabinet orders duly authorized by laws

Supplementary Provisions
(Law No 169, December 1947)

Article 1 This Law shall be enforced as from Jan 1, 1948, provided that the amended provisions of Article 26 and 27 and Article 4 of Supplementary Provisions shall come into force as from Dec 20, 1947, and the provisions concerning the National Election Management Commission shall come into force as from the date of the promulgation of this Law

Article 2 In a city, town or village which has increased the full number of assemblymen in accordance with the provisions of Article 91, Paragraph 2 of the former Local Autonomy Law, the same number shall be the full number during the term of office of the assemblymen, provided that, in a case where vacancies in the offices of assemblymen have occurred, the full number of assemblymen shall, in accordance with such vacancies, be reduced to the full number contemplated in the same Article, Paragraph 1

Article 3 Any division which has been established in accordance with the provisions of the proviso to Paragraph 1 of Article 158 of the Local Autonomy Law and which cannot be established by the amended provisions of the same Paragraph of the same Article, may continue to exist only within ninety days from the date of the enforcement of this Law

Article 4 The Law No 2 of 1947 (Exceptions to Article 12 of the Law concerning the Election of the Members of the House of Representatives and others) shall be partially amended as follows

In Article 1, Paragraph 1, "according to the provisions of Article 1 of the Law No 30 of 1946 (the Temporary Exceptions of the Electors' Register for the Members of the House of Representatives, and others)" and "the election administration committee for the election of the assemblymen of a city, ward, town or village" shall be amended to "shall prepare on the present day of September 15, 1947 in accordance with the provisions of Article 12, Paragraph 1 of the Law concerning the election of the members of the House of Representatives" and to "the election administration committee of a city, town or village," and "of the person himself" shall be deleted, [illegible]

area of a city, ward, town or village" and "abode" shall be amended to "a city, town or village (including a special ward, a whole-affairs-association and a town or village office-affairs-association and the same shall apply hereinafter)," "the area of a city, town or village (with respect to an area in which there is a special ward the area of a special ward)" and "residence" and the following paragraph shall be added after the same paragraph

In a case where the electors' register contemplated in Paragraph 1 is to be prepared, the age and the term of residence contemplated in the provisions of Article 5, Paragraph 1 and Article 12, Paragraph 1 of the Law concerning the election of the members of the House of Representatives shall be computed as from the day of the election

In Paragraph 4 of the same Article, "the elections contemplated in the provisions of Article 93-(13), Paragraph 1 of the Law concerning the Organization of

Article 5. Unless otherwise provided for in this Law or other laws, with respect to local officials of a metropolis, district or urban or rural prefecture, the provisions respectively corresponding to the former provisions concerning the government officials or quasi-government officials of a metropolis, district or urban or rural prefecture shall be applied mutatis mutandis until a law providing for the local officials of an ordinary local public body is separately made, provided that special provisions may be made in cabinet orders duly authorized by laws.

Any local official of a metropolis, district or urban or rural prefecture shall not, in accordance with the provisions of cabinet orders duly authorized by law, be suspended by order by virtue of the convenience of business without the approval of the Status Committee.

The name, organization, powers and others of the Status Committee prescribed in the preceding paragraph shall be provided for in cabinet order duly authorized by laws.

Article 6. Deleted.

Article 7. Deleted.

Article 8. The local officials of a metropolis, district or urban or rural prefecture engaged in the affairs provided for in cabinet orders duly authorized by laws shall, notwithstanding the provisions of Article 172, Article 173 and Article 175, be deemed to be government officials for the time being. The necessary matters in this case shall be provided for in cabinet orders duly authorized by laws.

Article 9. Except those provided for in this Law, such matters as the limitations, allowances, service and discipline of local officials who are the auxiliary agency of a chief of the local public body, members of the election administration committee, clerk of the election administration committee, inspection commissioners, clerks assisting the inspection commissioners, shall be provided for in cabinet orders duly authorized by laws in conformity to the former provisions until a law concerning the local officials of ordinary local public body is enacted.

Article 10. A metropolis, district or urban or rural prefecture and special city shall deal with affairs concerning the treatment of personal affairs of former military or former quasi-military personnel and affairs concerning salaries and other remuneration to the families thereof.

With respect to the disposition of affairs prescribed in the preceding paragraph, exceptions may be made by cabinet orders duly authorized by laws.

The affairs contemplated in paragraph 1 shall be managed by the Welfare Bureau in case of a metropolis, by Welfare Division in case of a district or urban or rural prefecture, and by the Bureau or Division designated by the mayor in case of a special city.

The expenses required for the disposition of the affairs contemplated in Paragraph 1 shall be borne by the national treasury.

Article 11. Any procedure or any other act effected in accordance with the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of District, Urban or Rural Prefectures, the Law concerning the Organization of Cities, the Law concerning the Organization of Towns and Villages or in accordance with the ordinances issued in virtue of these Laws, shall be deemed to be a procedure or other act effected in accordance with provisions corresponding thereto in this Law or in the ordinances issued in virtue thereof.

Article 12. With respect to an election held in accordance with the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of District, Urban or Rural Prefectures, the Law concerning the Organization of Cities or the Law concerning the Organization of Towns and Villages or the Imperial Ordinances issued in virtue of these laws prior to the enforcement of this Law, the former provisions shall apply concerning an action to which the penal provisions, relating to the election of the Members of the House of Representatives which are applied mutatis mutandis, ought to have been applied.

Article 13. Provisions in other laws and cabinet orders concerning the local governor, Governor of Tokyo Metropolis, Governor of Hokkaido or government officials of a metropolis, district, urban or rural prefecture or a ward of Tokyo Metropolis, shall, unless otherwise provided for in cabinet orders duly authorized by laws, be deemed to be such provisions as relate respectively to the governor of a metropolis, district, urban or rural prefecture or mayor of a special city, governor of the metropolis, governor of the district or corresponding officials of a metropolis, district, urban or rural prefecture or a special ward.

Article 14. Provisions concerning Council of Aldermen of a metropolis, district or urban or rural prefecture or the Alderman of a metropolis, district or urban or rural prefecture or the Council of Aldermen of a city or the Alderman of a city provided for in other laws and cabinet orders duly authorized by laws, shall be deemed to be those provisions of this Law concerning the assembly of a metropolis, district or urban or rural prefecture or a special city or the assemblymen of assemblies thereof.

Article 15. If, in a case where the provisions of the Law concerning the Organization of Tokyo Metropolis, the Law concerning the Organization of a District, Urban or Rural Prefecture, the Law concerning the Organization of the Urban or Rural Prefectures, the Law concerning the Organization of Cities or the Law concerning the Organization of Towns or Villages are prescribed in other laws or ordinances duly authorized by laws, there is in this Law any provisions corresponding thereto, it shall be considered to point to the corresponding provisions in this Law, except in cases where

special provisions are made by cabinet orders duly authorized by laws

Article 16 Provisions in other laws or ordinances [illegible]

Article 17 Provisions of other laws and ordinances duly authorized by laws concerning a city shall, unless otherwise provided for in cabinet orders duly authorized by laws, be also applied to a special ward

The provisions in other laws or ordinances duly authorized by laws relating to a city prescribed in the former provisions of Article 6 of the Law concerning the Organization of Cities or a city prescribed in Article 82, Paragraph 1 or Article 82, Paragraph 3 of the Law concerning the Organization of Cities, shall be deemed to be those provisions relating to a special city and a city contemplated in Article 155, Paragraph 2

Article 18 Provisions in other laws and ordinances concerning an area formerly under the jurisdiction of a head of gun" shall be deemed to be those provisions relating to a gun,' provided that special provisions may be made by cabinet orders

Article 19 The provisions in other laws or ordinances duly authorized by laws concerning the election administration committee for the election of the members of the assembly of a metropolis, or the election administration committee for the election of the members of the assembly of a district, urban or rural prefecture or the election administration committee for the election of the members of the assembly of a city, town or village or the election administration committee corresponding to the election administration committee of a city, town or village, shall be deemed to be those provisions concerning the election administration committee of a metropolis, district, urban or rural prefecture or of a city, town or village or of anything corresponding to a city, town or village

Article 20 The right to vote and the eligibility for election of any person to whom the Law of Family Registration is not applied, shall be suspended for the time being

Any person contemplated in the preceding paragraph shall not be registered in the elector s register

Article 21 Provisions necessary for the enforcement of this Law shall be determined by cabinet orders duly authorized by laws

Supplementary Provisions
(Law No 169, December 1947)

Article 1 This Law shall be enforced as from Jan 1, 1948, provided that the amended provisions of Article 26 and 27 and Article 4 of Supplementary Provisions shall come into force as from Dec 20, 1947, and the provisions concerning the National Election Management Commission shall come into force as from the date of the promulgation of this Law

Article 2 In a city, town or village which has increased the full number of assemblymen in accordance with the provisions of Article 91, Paragraph 2 of the former Local Autonomy Law, the same number shall be the full number during the term of office of the assemblymen, provided that, in a case where vacancies in the offices of assemblymen have occurred, the full number of assemblymen shall, in accordance with such vacancies, be reduced to the full number contemplated in the same Article, Paragraph 1

Article 3 Any division which has been established in accordance with the provisions of the proviso to Paragraph 1 of Article 158 of the Local Autonomy Law and which cannot be established by the amended provisions of the same Paragraph of the same Article, may continue to exist only within ninety days from the date of the enforcement of this Law

Article 4 The Law No 2 of 1947 (Exceptions to Article 12 of the Law concerning the Election of the Members of the House of Representatives and others) shall be partially amended as follows

In Article 1, Paragraph 1, according to the provisions of Article 1 of the Law No 30 of 1946 (the Temporary Exceptions of the Electors Register for the Members of the House of Representatives, and others)" and the election administration committee for the election of the assemblymen of a city, ward, town or village shall be amended to shall prepare on the present day of September 15, 1947 in accordance with the provisions of Article 12, Paragraph 1 of the Law concerning the election of the members of the House of Representatives and to the election administration committee of a city, town or village," and of the person himself shall be deleted, and in Paragraph 2 of the same Article, a city, ward, town or village (including those corresponding to them and the same shall apply herein and hereafter), the area of a city, ward, town or village and abode shall be amended to a city, town or village (including a special ward, a whole-affairs-association and a town or village office-affairs-association and the same shall apply hereinafter),' 'the area of a city, town or village (with respect to an area in which there is a special ward the area of a special ward)" and residence and the following paragraph shall be added after the same paragraph

In a case where the electors' register contemplated in Paragraph 1 is to be prepared, the age and the term of residence contemplated in the provisions of Article 5, Paragraph 1 and Article 12, Paragraph 1 of the Law concerning the election of the members of the House of Representatives shall be computed as from the day of the election

In Paragraph 4 of the same Article, ' the electors contemplated in the provisions of Article 93-(13), Paragraph 1 of the Law concerning the Organization of

Tokyo Metropolis, Article 74-(13), Paragraph 1 of the Law concerning the Organization of District, Urban or Rural Prefectures, Article 73-(9), Paragraph 1 of the Law concerning the Organization of Cities; Article 61-(8) Paragraph 1 and Article 136 of the Law concerning the Organization of Towns and Villages and Article 78-(10), Paragraph 1 of the Imperial Ordinance concerning the Enforcement of the Law concerning the Organization of Tokyo Metropolis," shall be amended to "the elections contemplated in the provisions of Article 65, Paragraph 1 of the Local Autonomy Law (including the elections corresponding to such election in a special ward, a whole-affairs-association and a town or village office-affairs-association)" and in Paragraph 5 of the same Article, "the preceding three paragraphs" shall be amended to "the preceding four paragraphs."

In Article 2, Paragraph 1 "Article 16-11, Paragraph 1 of the Law concerning the Organization of Tokyo Metropolis, Article 20-2, Paragraph 1 of the Law concerning the Organization of Cities, Article 17-2, Paragraph 1 of the Law concerning the Organization of Towns and Villages shall be amended to "Article 26, Paragraphs 1 and 2 of the Local Autonomy Law."

Article 3 shall be deleted.

Article 5. The representative of associations (if there is no representative, the person corresponding to the same) or the person who has been collecting taxes, alloted charge, rents, fees and other public money, which local public bodies are authorized to collect at the time of the enforcement of this Law shall, in accordance with regulations of the local public body concerned, make an account of same, present the statements of account and the account books and documents in support of such accounting to the chief accountant or treasurer of the local public body concerned and shall be subject to audit within thirty days from the day of the enforcement of this Law. In the statements of account, the account books and documents in support of such accounting, the proper official concerned in the collection of public money of the said association or the person concerned shall write to the effect that he guarantees the same to be true and correct and shall sign it and append his seal thereto.

The documents contemplated in the preceding paragraph shall, in accordance with the provisions of the regulations of the local public body concerned, be open to inspection of the inhabitants at all times during business hours.

If it becomes known by the audit contemplated in the provisions of the preceding paragraph that there is an illegal conversion in respect of managements of the public moneys, the accountant or treasurer shall forthwith refer the matter to the public procurator.

In a case where a demand has been made by a public procurator in respect of such matters as are contemplated in the provisions of the preceding paragraph, the court may order the dissolution of the association concerned in accordance with the proceedings provided for by the Supreme Court.

The assocation ordered to be dissolved in accordance with the provisions contemplated in the preceding paragraph, shall forthwith dissolve in pursuance of the proceedings provided for by the Supreme Court.

If the statement of account and the account books and documents in support of such accounting are not presented within the period contemplated in the provisions of the paragraph 1 or if a false statement is made in the same, the representative of the association concerned or the person concerned shall be punished upon conviction thereof by imprisonment for not exceeding two years at hard labour or a fine not exceeding 200,000 yen or both in considerations of the circumstances.

Article 6. The necessary provisions with respect to the enforcement of this Law shall be provided for in cabinet orders.

Supplementary Provisions
(Law No. 196, December 1947)

Article 1. The date of the enforcement of this Law shall be provided for with respect to the respective provisions, by cabinet orders duly authorized by laws within the period not exceeding ninety days from the date of its enactment.

Provisions relating to this Article: Article 13, Paragraph 2, Article 21, Paragraph 2, Article 86, Paragraph 1, Article 88, Paragraph 2, Article 121, Article 125, Article 130, Paragraph 1, Article 158, Paragraph 1, Article 160, Paragraph 2, Article 173, Paragraph 1 and 5, Article 277, Article 1 of Supplementary Provisions, Article 4, and Article 7 of the same.

Supplementary Provisions
(Law No. 179, July 1948)

Article 1. This Law shall be enforced as from August 1, 1948.

With respect to any chief, assistant-governor or assistant mayor, chief treasurer, or assistant treasurer, chief accountant or other paid official of a local public body who is a member of assembly of a local public body other than the said local public body at the time of the enforcement of this law, so long as he is actually in office of any of the above, the amended provisions of Article 92, Paragraph 2 and Article 141, Paragraph 2 of the Local Autonomy Law shall not be applied. The same shall apply with respect to such person if any who has obtained votes in accordance with the provisions of Article 55, Paragraph 2 and Article 65, Paragraph 11 of this law at the time of the enforcement of the said law.

Article 2. In a case where the alterations of the areas of a city, town or village has been made during the period from July 7, 1937 to September 2, 1945 inclusive, the inhabitants of the area relating to such alterations may,

Article

tive under the joint signature of the persons as come to one-third or more of the registered electors among the inhabitants of the area relating to such alterations in accordance with the provisions of cabinet order

In a case where the demand contemplated in the preceding paragraph is made, the election administration committee shall put it to the vote of the electors of the city, town or village to which the area concerned formerly belonged, within thirty days from the day on which such demand has been accepted

In a case where the area contemplated in the provisions of Paragraph 2 has belonged to other city, town or village which presently exist, the affairs concerning the vote contemplated in the preceding paragraph shall, notwithstanding the provisions of the same paragraph, be managed by the election administration committee of that city, town or village In this case, necessary matters shall be provided for in cabinet order

In a case where a majority of the valid votes has consented in the voting contemplated in Paragraph 3, the governor of a metropolis, district or urban or rural prefecture shall, on the basis of the report of the committee, determine the creation, dissolution, divisions or union of a city, town or village or the alteration of the boundary thereof upon the resolution adopted by the assembly and shall notify the Prime Minister to that effect

In a case contemplated in the preceding paragraph, if there is property for which disposition has been taken in consequence of the alterations of the areas of a city, town or village contemplated in Paragraph 1, the existing city, town or village shall retrocede the property, within limit of its actual existence, to the city, town or village to which the area relating to its alterations has formerly belonged, upon obtaining the resolution adopted by the assembly

Any city, town or village which is dissatisfied with the disposal of the property contemplated in the preceding paragraph, may bring an action to the court

In a case where the report contemplated in the provisions of Paragraph 5 is received, the Prime Minister shall forthwith give public notice thereof

Unless otherwise provided for in cabinet orders duly authorized by laws, the provisions of Volume II, Chapter IV shall be applied mutatis mutandis to the vote contemplated in the provisions of Paragraph 3

The demand contemplated in Paragraph 2 may be exercised only within two years after the enforcement of this Law

Article 3 Unless otherwise provided for in laws or cabinet orders duly authorized by laws, those permissions for use of properties or establishments of a local public body which has been given at the time of the enforcement of this Law, which fall under the monopolistic use provided for in bylaw based on the provisions of Article 213, Paragraph 2 of the Local Autonomy Law, shall be null and void after the elapse of ten years from the day of the enforcement of this Law, unless necessary consent is obtained within ten years after the enforcement of this Law through the procedures respectively provided for in the same Article subsequent to amendment

Article 4 A part of the Police Law shall be amended as follows

Article 24, paragraph 2 shall be deleted

In Article 44, "Article 24, paragraphs 1, 3 to 5 inclusive" shall read "Article 24" and in the proviso of the *same Article, "Article 24, paragraph 5" shall read "Article 24, paragraph 4"*

Article 5 The necessary matter concerning the enforcement of this Law shall be determined by Cabinet Orders duly authorized by laws

Errata for Law No 67, April 1947

Article 12, paragraph 1 after "bylaws, insert "(except those relating to the levy and collection of local taxes, alloted charges, rents or fees)

Article 13, paragraph 2 "of the city, town or village is deleted

Article 74, paragraph 1 after by laws insert (except those relating to the levy and collection of local taxes, alloted charges, rents or fees) "

Article 86, paragraph 1 after the right of vote insert "(with respect to members of the public safety commission of a metropolis, district or urban or rural prefecture, the persons who have the right to vote within the area under the jurisdiction of the national rural police of the metropolis, district or urban or rural prefecture concerned) "

Article 86, paragraph 1 "of the city, town or village" is deleted

Article 88, paragraph 2 "of the city, town or village" is deleted

Article 125 "the public safety commission of the city, town or village concerned" read "its public safety commission "

Article 141, paragraph 2 "the assembly of an ordinary local public body concerned or of a paid official of a local public body" read "the assembly or a paid official of a local public body."

Article 157, paragraph 4 "if" is deleted.

Article 195, paragraph 3 after "village" insert "provided that, in case of city, it may be determined to be four by bylaws "

Article 207 after "paragraph 5" insert "and Article 217, paragraph 3."

The following three paragraphs shall be added after Article 247, paragraph 1.

In a case where there is no personnel who is qualified to perform the duties of the chief of an ordinary local public body in accordance with the provisions of the preceding paragraph, the Prime Minister, with respect to the governor of a metropolis, district or urban or rural prefecture, or, the governor of a metropolis, district or urban or rural prefecture, with respect to the mayor of a city, town or village, may, among persons who are qualified for the eligibility of the chief of the ordinary local public body and residing in the area of the ordinary local public body concerned, select a provisional proxy and cause him to perform the duties of the chief of the ordinary local public body concerned.

The provisional proxy shall perform whole of such affairs as fall under the power of the chief of the ordinary local public body until the time when the chief of the ordinary local public body concerned is elected and takes office.

The official of the ordinary local public body concerned who is selected or appointed by the provisional proxy shall vacate his office, when the chief of the ordinary local public body concerned is elected and takes office.

Article 1, paragraph 2 of the Supplementary Provisions after "the Local Autonomy Law" insert "(including provisions to which these provisions are applied or mutatis mutandis applied)."

Parts Concerning the Local Autonomy Law in Laws Which Passed at the Second Diet
The Local Finance Law (Law No. 109, 7 July 1948)

Article 38. A part of the Local Autonomy Law shall be amended as follows.

Art. 220, par. 2 shall be deleted.

In Art. 226, par. 1 "if and so long as it is necessary to do so for the purpose of repaying its debts or of effecting such expenditure as may be of permanent benefit to the ordinary local public body or on account of natural disasters" shall be amended to "in accordance with the provisions of a Separate Law."

In Art. 228, par. 1, "necessary expenses and" shall be amended to, "expenses necessary to carry out public affairs and administrative affairs with such area (to exclude those which belong to the said local public body hitherto by laws and ordinances and hereafter by laws and cabinet orders) which do not come under the affairs of the national government and", and par. 2 of the same Art. shall be deleted.

Art. 245-2. With respect to the basic principles concerning the operation of the finance of ordinary local public bodies, the relation of the finance of ordinary local public bodies and national finance, except those for which provisions are made in this law, it shall be provided for in a separate law.

The Law concerning the Board of Education (Law No. 170, 15 July 1948)

Article 94. A part of the Local Autonomy Law shall be amended as follows:

"*an inspection commissioners*, a member of public safety commission" of Art. 121 shall be amended as "an inspection commissioners, members of public safety commission, members of board of education."

"its inspection commissioners or the public safety commission of the city, town and village concerned" of Art. 125 shall be amended as "its inspection commissioners, the public safety commission of the city, town and village and the board of education."

In Art. 158,

"4. Bureau of Education:

(a) Matters relating to education and arts and science." and

"3. Education division:

(a) Matters relating to education and arts and sciences."

shall be deleted.

In Art. 173, par. 1 "local technical officials and local educational officials" of Paragraph 1 shall be amended as "or local technical officials" and par. 4 of the same Article shall be deleted.

Law Amending the Local Autonomy Law (Law No. 179, 1948)

The Local Autonomy Law shall be partially amended as follows:

The following two paragraphs shall be added after Article 2, paragraph 2:

The affairs contemplated in the preceding paragraph are generally as follows; except in case where it has been provided for in laws or Cabinet Orders duly authorized by laws.

1. To maintain local public order, protect and preserve the safety, health, and welfare of the inhabitants and visitors thereto;

2. To establish and manage parks, playgrounds, open spaces, greens, roads, bridges, rivers, canals, reservoirs, irrigation and drainage waterways, and dykes and similar

matters, and to regulate the rights to use them,

3 To manage water plants and other water supplies, sewerage systems, electric plants, gas plants, street-car services, automobile services, vessels and other transportation systems, and other services,

4 To establish and manage docks, moles, piers, wharves, warehouses, sheds and other establishments necessary for other maritime and land transportation and to regulate the rights to use them,

5 To establish and manage schools, laboratories, experimental stations, libraries, art museums, goods exhibitions auditoriums, theaters, musical pavilions and other establishments relating to education, science, culture and promotion of industries, and to regulate the rights to use them,

6 To establish and manage hospitals, isolated wards, sanatoriums, disinfecting stations, maternity hospitals, residences, hostels, dining-halls, ba hs, publ c latrines, pawn-shops, workhouses, public nurseries, asyla for the

rights to use them,

7 To clean, disinfect, beautify, and prevent noises or to restrain acts injurious to public morals and acts staining clearliness and besides to deal with the matters relating to health and sanitation and refinement of public morals,

8 To prevent crime, to prevent disasters, and to *carry out relief* and *protection of victims of disasters* and to deal with similar affairs,

9 To relieve, protect and care for minors, the poor, the sick, the old and weak, widows, defective persons, vagrants, insane or inebriate persons and similar persons,

10 To manage forests, meadows, land markets, fishing water surface, public workhouses and besides to undertake profit enterprises deemed to be necessary for the promotion of public welfare,

11 To carry out hill-and-river-improvements, agricultural land development, adjustments of arable land, reclamations of land from public water surface, city-planning, improvements of districts under poor condi*tions and other improvements* of land,

12 To deal with affairs relating to fostering and promotion of inventions, improvements of special products and other increase and improvements in production,

13 To protect and manage historic places, places of scenic beauty, and monuments,

14 To investigate the matters necessary for disposition of affairs of an ordinary local public body and to make statistics of them,

15 To deal with the affairs relating to official registers, identification and registering and other similar matters relating to the inhabitants, visitors thereto and other persons deemed necessary,

16 To carry out inspection with respect to such matters as are relating to meters, various products, domestic animals,

17 To establish limitations relating to structure of buildings, facilities, the area of yards, court density, open space districts, the areas on the basis of dwellings, trade, industry and other state of business of inhabitants in accordance with the determination of laws,

18 To appropriate, enter upon and hold personal or real property for any public purpose in accordance with the determination of laws,

19 To adjust and coordinate the activities of the public bodies and other similar bodies within the area of an ordinary local public body,

20 To levy and collect local taxes, rents, fees, alloted charges, entrance fees, or statutory labor and actual articles in accordance with the determination of laws,

21 To create and manage the permanent property, *sinking funds and besides the reserve fund and grain and* similar matters

An ordinary local public body may not deal with such national affairs as those mentioned as follows

1 Affairs relating to all judicial matters,

2 Affairs relating to penal punishment and national disciplinary punishment,

3 Affairs relating to national transportation and communication,

4 Affairs relating to post,

5 Affairs relating to national institutions of learning and research,

6 Affairs relating to national hospitals and Sanatoriums,

two paragraphs shall be added

A local public body shall not deal with its affairs as contravenes any laws or Cabinet Orders or Ministerial Regulations duly authorized by law and, furthermore, a city, town or village or a special ward shall not deal with its affairs as contravene any bylaws of the metropolis, *district or urban or rural prefecture concerned*

The actions of a local public body which have contravened the provisions of the preceding paragraph are null and void

In Article 12, paragraph 1, "bylaws shall read "by-

In Article 74, paragraph 2, "bylaws" shall read "bylaws" (except those relating to the levy and collection of local taxes, alloted charges, rents or fees)

In Article 86, paragraph 1, "the persons who have the right to vote" shall read "the persons who have the right to vote (with respect to members of the public safety commission of a metropolis, district or urban or rural prefecture, the persons who have the right to vote within the area under the jurisdiction of the national rural police of the metropolis, district or urban or rural prefecture concerned)" and "the public safety commission of city, town or village" shall read "public safety commission."

In Article 88, paragraph 2, "the public safety commission of the city, town or village" shall read "public safety commission."

In Article 92, paragraph 2, "the ordinary local public body concerned" shall be deleted.

Article 96, paragraph 1 shall read as follows:

The assembly of an ordinary local public body shall resolve such matters as follows:

1. The enactment of bylaws or the alteration of abolition thereof,

2. The determination of the estimated annual revenue and expenditure,

3. The approval of a report of the final accounts,

4. Matters relating to the levy and collection of local taxes, rents, fees, allotted charges, entrance fees or statutory labor and actual articles, except those which are provided for in laws, or Cabinet Orders duly authorized by law,

5. Matters relating to the refund of money paid for local taxes, rents, fees, allotted charges, entrance fees or statutory labor and actual articles unlawfully levied or collected, except those provided for in laws or Cabinet Orders duly authorized by law,

6. Matters relating to the creation, management and disposal of the permanent property, sinking funds and besides the reserve fund and grant and similar matters,

7. To take or dispose property determined by bylaws and to establish or dispose [illegible],

8. To assume new duties, to take by charged gift, grant, bequest or devise and to waive rights, except those which are provided for in the estimated annual revenue and expenditure,

9. To make contracts determined by bylaws,

10. Matters relating to filing of objection, appeal, action, reconciliation, intermediation, arbitration and settlement of which the ordinary local public body is the person concerned,

11. To determine the amounts of compensation for damages which fall under its obligation by law,

12. Matters relating to the adjustment and coordination of the activities of the public bodies within the area of an ordinary local public body,

13. Any other matter falling under the jurisdiction of the assembly in accordance with laws or Cabinet Orders duly authorized by law.

After "the assemblymen" prescribed in Article 109, paragraph 2, "unless otherwise provided for by bylaws" shall be added.

After Article 110, paragraph 3, the following proviso shall be added:

Provided that it shall not be precluded from investigating and deliberating upon matters specially referred to by the resolution of the assembly even when the assembly is not in session.

In Article 121, "public safety commission of the city, town or village" shall read "a public safety commission."

In Article 125, "public safety commission of the city, town or village concerned" shall read "its public safety commission."

In Article 141, paragraph 2, "the member of the assembly of the ordinary local public body concerned or the paid official of the local public body" shall read "the member of the assembly or the paid official of a local public body."

In Article 176 the following three paragraphs shall be added as paragraphs 1 to 3:

In a case where an objection in respect of any resolution concerning the enactment of bylaws or the alteration or abolition thereof or the estimated annual revenue and expenditure in the assembly of an ordinary local public body is made, except for those specially provided for in this Law, the chief of the ordinary local public body concerned may return the assembly to reconsider the resolution by specifying the reasons therefor within ten days from the day of the resolution.

In a case where the resolution reconsidered is the same as the resolution of the assembly prescribed in the provisions of the preceding paragraph, such resolution shall become final. In this case the chief of an ordinary local public body shall forthwith notify the bylaws and take other necessary measures.

With respect to the resolution prescribed in the provisions of the preceding paragraph, the consent of two-thirds or more of the assemblymen present shall consent.

After "Article 172" mentioned in Articles 193 or 201, paragraph 2 and" shall be added.

The following proviso shall be added after Article 195, paragraph 3:

Provided that, in case of city, it may be determined to be four by bylaws.

In Article 207, "and Article 109, paragraph 5" shall read "and Article 109, paragraph 5 and Article 217, paragraph 3".

After Article 213 the following six paragraphs shall be added:

An ordinary local public body shall not, with respect to especially important property or establishments determined by bylaws, take such measures as giving away any exclusive profits of the said property or establishments or grant exclusively rights for the use thereof extending over a period of ten years, unless an affirmative vote of a majority in the election of the electors of the

ordinary local public body concerned has been obtained It shall be the same, in a case where the consent of two-thirds or more of the assemblymen present cannot be obtained at the meeting of the assembly with respect to other property or establishments which shall be determined by bylaws

[illegible] graph 2 shall be taken, a notice thereof by the chief of the ordinary local public body has been given, the election administration committee shall submit the same to the affirmative or negative vote of the electors within sixty days from such date

In a case where the result of the vote contemplated in the preceding paragraph has become known, the election administration committee shall forthwith notify the same to the chief of the ordinary local public body concerned, and make public notice of the same

Except for those which are specially provided for in Cabinet Order, the provisions of Chapter IV shall apply mutatis mutandis to the vote contemplated in accordance with the provisions of paragraph 4

The vote of paragraph 4 may be held, in accordance with the determination of Cabinet Order at the same time as the elections of the ordinary local public body or the vote in respect of the dissolution in accordance with the provisions of Article 76, paragraph 3 or the vote in respect of the dismissal in accordance with Article 80, paragraph 5 and Article 81, paragraph 2

The following two paragraphs shall be added after Article 217

The bylaws levying an assessment shall not be enacted, or altered, unless the assembly of an ordinary local public body or the standing committee holds first a public hearing and hear the opinions of such persons as have really an interest in the matter or of such persons of special knowledge and experience

In a case where a public hearing contemplated in the preceding paragraph is held, the date, place and agenda *shall be given public notice by appropriate means twenty* days before the date of the public hearing In a case where public notice is given in the newspapers, public notice shall be given in similar manner every seven days from such date

The following paragraph shall be added after Article 243, paragraph 1

Among the resolutions of an ordinary local public body concerning the sale, lease or loan of property the contract of construction works or the supply of things, labor or the like, with respect to the important matters determined by bylaws, the consent of two-thirds or more of the assembly men present shall be obtained.

Article 243-(2)

In case where the inhabitants of an ordinary local public body considers, that the chief of an ordinary local public body, the chief accountant or treasurer, or other officials concerned makes an unlawful expenditure or improper squandering of public funds of public property, or the misapplication of public funds provided for a specific purpose, or the creation of an illegal debtor other *liability, or the unlawful misuse of public real or personal* property, or the execution or performance of an unlawful and ultra vires contract, may make a demand for the inspection commissioners, attaching the document proving the matter, to make inspection and to take measures concerning restraint, enjoining and prohibition of the action concerned

In a case where a demand contemplated in the provisions of the preceding paragraph has been made, the inspection commissioners shall carry out inspection within twenty days and if it is considered that there is such matter as is concerned with the demand, the chief of an ordinary local public body to restrain, enjoin or prohibit the action concerned in a case where it is considered that there is no matter as is concerned with the demand, notify the matter to the person who has made the demand contemplated in accordance with the provisions of paragraph 1

In a case where a demand of the inspection commissioners contemplated in the provisions of the preceding paragraph has been made, the chief of an ordinary local public body shall take forthwith such measures as may be necessary and at the same time notify the matter to the inspection commissioners and the person who made the demand contemplated in accordance with the provisions of paragraph 1

In a case where the person who has made the demand is dissatisfied with the disposition of the inspection commissioners or the chief of an ordinary local public body in accordance with the provisions of the preceding two paragraphs or they have not taken such measures, the person who has made the demand contemplated in the provisions of paragraph 1 may, according as it may be provided for by the Supreme Court, ask Court for a trial concerning the enjoining, prohibition, revocation or *invalidity of the unlawful or ultra vires action concerned* of an official or the officials concerned or the compensation of damages by the ordinary local public body concerned accompanied such enjoining, prohibition, revocation or invalidity.

In the city, town or village having no inspection commissioner, the demand contemplated in accordance with the provisions of paragraph 1 shall be made to the mayor or headman of town or village and the duties of the inspection commissioners and of the chief of an ordinary local public body contemplated in the provisions of paragraphs 2 and 3 shall be executed by the mayor or headman of town or village himself.

The following three paragraphs shall be added after Article 247, paragraph 1:

In a case where there is no personnel who is qualified to perform the duties of the chief of the ordinary local public body in accordance with the provisions of the preceding paragraph, the Prime Minister, with respect to the governor of a metropolis, district or urban or rural prefecture, and the governor of a metropolis, district or urban or rural prefecture, with respect to the mayor or headman of town or village may select from among persons who are qualified for the eligibility of the chief of the ordinary local public body and residing in the area of the ordinary local public body concerned, a provisional representative and cause him to perform the duties of the chief of the ordinary local public body concerned.

The provisional representative shall perform all of such functions as fall under the powers of the chief of the ordinary local public body until the time when the chief of the ordinary local public body concerned is elected and assumes office.

Any official of the ordinary local public body concerned who is selected or appointed by the provisional representative shall vacate his office, when the chief of the ordinary local public body concerned is elected and takes office.

In Article 262, paragraph 2 after "and Article 81, paragraph 2" shall be added "of the vote prescribed in the provisions of Article 213, paragraph 4."

Article 263-(2). An ordinary local public body may, upon the resolution adopted by its assembly, by entrusting to national juristic person for the public welfare representing the benefit thereof, in cooperation with other ordinary local public body, undertake a mutual relief assistance enterprise against damages to public property or public institutions due to fire, floods, earthquake disasters or other disasters.

The juristic person for the public welfare prescribed in the preceding paragraph shall, periodically at least once every year, in form of the management conditions of the enterprise to the chief of the ordinary local public body concerned and at the same time publish it in appropriate newspaper at least twice a year.

The chief of the ordinary local public body concerned shall forthwith make it public upon receipt of the information prescribed in the preceding paragraph.

The Insurance Enterprise Law shall not apply to these among the mutual relief assistance enterprises prescribed in paragraph 1 corresponding with the insurance enterprise.

The following paragraph shall be added after Article 264.

The provisions contemplated in Article 2, paragraphs 3 and 4 shall apply mutatis mutandis to the affairs contemplated in the preceding paragraph.

The following paragraph shall be added after Article 281:

The provisions contemplated in Article 2, paragraphs 3 and 4 shall apply mutatis mutandis to the affairs contemplated in the preceding paragraph.

Supplementary Provisions:

Article 1. The present Law shall come into force as from August 1, 1948.

With respect to any chief, assistant governor or assistant mayor, chief treasurer, or assistant treasurer, chief accountant or other paid official of a local public body who is a member of assembly of a local public body other than the said local public body at the time of the enforcement of this Law, so long as he is actually in office of any of the above, the amended provisions of Article 92, paragraph 2 and Article 141, paragraph 2 of the Local Autonomy Law shall not apply. The same shall apply with respect to such person if any who has obtained votes in accordance with the provisions of Article 55, paragraph 2 and Article 65, paragraph 11 of this Law at the time of the enforcement of the said Law.

Article 2. In a case where the alterations of the areas of a city, town or village has been made during the period from July 7, 1937 to September 2, 1945 inclusive, the inhabitants of the area relating to such alterations may, notwithstanding the provisions of Article 7, re-establish the city, town or village in the former area of the city, town or village, or alter the boundaries of the city, town or village in accordance with the former area of the city, town or village in accordance with the provisions of this Article.

The disposition contemplated in the preceding paragraph, shall be demanded of the election administration committee of the city, town or village by the representative under the joint signature of the persons as come to one-third or more of the registered electors among the inhabitants of the area relating to such alterations in accordance with the provisions of Cabinet Order.

In a case where the demand contemplated in the preceding paragraph is made, the election administration committee shall put it to the vote of the electors of the city, town or village to which the area concerned formerly belonged, within thirty days from the day on which such demand has been accepted.

In a case where the area contemplated in the provisions of Paragraph 2 has belonged to other city, town or village which presently exist, the affairs concerning the vote contemplated in the preceding paragraph shall, notwithstanding the provisions of the same paragraph, be managed by the election administration committee of that city, town or village. In this case, necessary matters shall be provided for in Cabinet Order.

In a case where a majority of the valid votes has consented in the voting contemplated in paragraph 3, the governor of a metropolis, district or urban or rural prefecture shall, on the basis of the report of the committee, determine the creation, dissolution, division or union of a city, town or village or the alteration of the boundary thereof upon the resolution adopted by the assembly and

shall notify the Prime Minister to that effect

In a case contemplated in the preceding paragraph, if there is property for which disposition has been taken in consequence of the alterations of the areas of a city, town or village contemplated in paragraph 1, the existing city, town or village shall retrocede the property, *within limit of its actual existence, to the city, town or* village, to which the area relating to its alterations has formerly belonged, upon obtaining the resolution adopted by the assembly

Any city, town or village which is dissatisfied with the disposal of the property contemplated in the preceding paragraph, may bring an action to the court.

In a case where the report contemplated in the provisions of paragraph 5 is received, the Prime Minister shall forthwith give public notice thereof

Unless otherwise provided for in Cabinet Orders duly *authorized by laws, the provisions of Volume II, Chapter* IV shall apply mutatis mutandis to the vote contemplated in the provisions of paragraph 3 The demand contemplated in paragraph 2 may be exercised only within two years after the enforcement of this Law

Article 3 Unless otherwise provided for in laws or Cabinet Orders duly authorized by laws, those permissions for use of properties or establishments of a local public body which has been given at the time of the enforcement of this Law, which fall under the monopolistic use provided for in bylaw based on the provisions of Article 213, paragraph 2 of the Local Autonomy Law, shall be null and void after the elapse of ten years from *the day of the enforcement of this Law, unless necessary* consent is obtained within ten years after the enforcement of this Law, through the procedures respectively provided for in the same Article subsequent to amendment

Article 4 A part of the Police Law shall be amended as follows

Article 24, paragraph 2 shall be deleted

In Article 44, "Article 24, paragraphs 1, 3 to 5 inclusive" shall read "Article 24" and in the proviso to the same Article, "Article 24, paragraph 5" shall read "*Article 24, paragraph 4*"

Article 5 The necessary matter concerning the enforcement of this Law shall be determined by Cabinet Orders duly authorized by laws

Prime Minister
ASHIDA Hitoshi

The Law concerning the partial amendment of the Local Autonomy Law (Law No 180, 20 July 1948)

In Art 158, par 1 'General Affairs Division' and "Finance Division" shall read "Bureau of General Affairs" and "Bureau of Finance" respectively and after the [illegible]

1 Bureau of Building

(a) Matters relating to houses and buildings

In the same Article par 2 preceding paragraph shall read par 1" and in the same paragraph after item 5 of 1 the following item shall be added

6 Division of Building

(a) Matters relating to houses and buildings

The Law concerning the Election of the Member of the House of Representatives (Law No 195, 29 July 1948)

Supplementary Provisions

Article 3 A part of the Local Autonomy Law shall be amended as follows

After "null and void" in Art 62, par 1, item 6, "or in accordance with the provisions of Art 45, par 1 of the Law concerning the Regulations of Political Contributions and Expenditures, the same result had occurred" shall be added

IMPERIAL HOUSE OFFICE LAW
(Law No. 70, 18 April 1947)

Article 1. The Imperial House Office shall take charge of state affairs relating to the Imperial House and the Emperor's acts in matters of state provided for by Government Ordinance and shall have the custody of the Imperial Seal and the Seal of State.

Article 2. The Imperial House Office shall have the following personnel:

Grand Steward................First Class
Vice Grand Steward, one person.First Class
Private Secretary to the Grand Steward, full time one person.Second Class
Grand Chamberlain............First Class
Chamberlains..................First or Second Class
Masters of Ceremonies..........First or Second Class
Secretaries of the Imperial House Office.......... ... ..First, Second or Third Class
Technical Officials of the Imperial House Office...... ..First, Second or Third Class

The respective full numbers of Chamberlains, Masters of Ceremonies, Secretaries and Technical Officials shall be prescribed by Government Ordinance.

In addition to the personnel mentioned in paragraph 1, such personnel as may be required may be assigned as provided by Government Ordinance.

Article 3. The attestation by the Emperor shall be required for the appointment and dismissal of the Grand Steward and the Grand Chamberlain.

Article 4. The Grand Steward shall take charge of the general management of the affairs of the Office, and shall direct and supervise its personnel in connection with their performance of duties.

Article 5. The Vice-Grand Steward shall, assisting the Grand Steward, adjust the affairs of the Office and supervise the work of each bureau, division or agency.

Article 6. The Private Secretary shall, under the orders of the Grand Steward, deal with confidential matters.

Article 7. The Grand Chamberlain shall be in waiting on the Emperor.

Article 8. The Chamberlains shall assist the Grand Chamberlain in performing his function.

Article 9. The Masters of Ceremonies shall, under the orders of their superiors, take charge of matters concerning ceremonial functions and reception.

Article 10. The Secretaries shall, under the orders of their superiors, take charge of the affairs of the Office.

Article 11. The Technical Officials shall, under the orders of their superiors, take charge of the technical affairs.

Article 12. Such bureaus, divisions or agencies as may be required may be established in the Imperial House Office, as provided by Government Ordinance.

Article 13. The Imperial House Office shall be under the jurisdiction of the Prime Minister.

Supplementary Provision:

The present Law shall come into force as from the day of the enforcement of the Constitution of Japan.

LAW FOR THE ENFORCEMENT OF THE IMPERIAL HOUSE ECONOMY
(Law No 71, 18 April 1947)

Article 1. Until the amounts mentioned in Article 2 of the Imperial House Economy Law are fixed by the Diet at its first session following the enforcement of the Constitution of Japan, the Imperial House, notwithstanding the provisions of the said Article and apart from the cases of sale or purchase for reasonable price and of other ordinary private economic transactions, may alienate or receive properties, or make gifts without authorization by the Diet each time, within the limit of 500,000 yen in aggregate

Article 2 The sum mentioned in Article 4, paragraph 1, of the Imperial House Economy Law shall be fixed at 8,000,000 yen

The provision of the preceding paragraph shall be valid only for the period of two years from the date of the enforcement of this Law However, in case the sum stipulated in the preceding paragraph is deemed to have become inappropriate on account of changes in commodity prices or other causes, measures shall be taken without delay for the revision of the Law with a view to modifying the said sum

Article 3 Until the basic sum for the annuities mentioned in Article 6, paragraph 1, of the Imperial House Economy Law is fixed by the Diet at its first session following the enforcement of the Constitution of Japan, 150,000 yen shall be appropriated therefor

Until the basic sum for the one time payments mentioned in Article 6, paragraph 1, of the Imperial House Economy Law is fixed by the Diet at its session as specified in the preceding paragraph, the provisions concerning one time payments in the said Article shall not be applicable

Supplementary Provision

The present Law shall come into force as from the day of the enforcement of the Imperial House Economy Law

LAW CONCERNING THE VALIDITY OF THE PROVISIONS OF ORDERS IN FORCE AT THE TIME OF COMING INTO FORCE OF THE CONSTITUTION OF JAPAN, ETC.

(Law No. 72, 18 April 1947)

Article 1. The provisions of the Orders which are in force at the time of the coming into force of the Constitution of Japan and which stipulate matters of a character to be stipulated by laws will have the same validity as laws till 31 December 1947.

Article 1-A. The provisions of the preceding paragraph shall not affect the validity of such ordinances as have been issued in accordance with Imperial Ordinance No. 542, 1945 (concerning ordinances to be issued pursuant to the acceptance of the Potsdam Declaration).

Article 1-B. The provisions of the existing orders concerning administrative offices which stipulate matters of a character to be stipulated by laws shall have the same validity as laws till 2 May 1948.

Article 1-C. The following ordinances shall be considered as enacted into laws by the decision of the Diet:

Regulations concerning Cemetery and Interment (Dajokan-futatsu No. 25, 1884);

Re Punishment of Violators of the Regulations concerning Cemetery and Interment (Dajokan-tatsu No. 82, 1884);

Re Permission of Interment and Cremation, etc. (Ordinance of the Ministry of Welfare No. 9, 1947);

Regulations concerning Injurious Contraceptive Devices (Ordinance of the Ministry for Home Affairs No. 40, 1930).

Regulations concerning Open Port (Imperial Ordinance No. 139, 1898).

Regulations controlling Materials for Bacteriological Prevention Treatment and Diagnosis Applied to Domestic Animals (Ministry of Agriculture Ordinance No. 88, 1940).

Regulations for Qualifying Nutrition Specialist (Welfare Ministry Ordinance No. 14, 1945).

Regulations controlling Medicine on Public Sale (Welfare Ministry Ordinance No. 25, 1932).

Regulations controlling Massagists (Home Ministry Ordinance No. 10, 1911).

Regulations controlling Acupuncture Treatment and "Moxa-Treatment" (Home Ministry Ordinance No. 11, 1911).

Regulations controlling the Setting and Massage Treatment by "Jujutsu" (Welfare Ministry Ordinance No. 47, 1946).

Ordinance concerning Exceptional Cases to the Regulations controlling Massagists, Acupuncture, "Moxa-Treatment" and Setting and Massage Treatment by "Jujutsu" (Welfare Ministry Ordinance No. 28, 1946).

Regulations controlling the Professionals who Practice Quasi-medical Treatment (Welfare Ministry Ordinance No. 11, 1947).

Regulations controlling Antiseptic and Bleaching Solution of Food and Drinks (Home Ministry Ordinance No. 22, 1928).

Regulations controlling Poisonous Coloring Solution (Home Ministry Ordinance No. 17, 1900).

Regulations controlling Artificial Sweetness (Home Ministry Ordinance No. 37, 1933).

Regulations controlling the Importation and Transportation of Food Meat (Home Ministry Ordinance No. 4, 1928).

Regulations concerning Sealing and Marks of Inspection of Medicines, etc. (Welfare Ministry Ordinance No. 42, 1933).

Regulations controlling Refreshing Drinks (Home Ministry Ordinance No. 30, 1900).

Regulations controlling Ice and Snow Enterprise (Home Ministry Ordinance No. 37, 1900).

Regulations controlling Tools and Utensils for Food and Drinks (Home Ministry Ordinance No. 50, 1900).

Regulations controlling Methyl Alcohol (Home Ministry Ordinance No. 8, 1912).

Regulations controlling Food and Drinks Enterprise (Welfare Ministry Ordinance No. 15, 1947).

Imperial Ordinance for Imperial Railway Workers' Mutual Aid Association (No. 127, 1897).

Imperial Ordinance for Monopoly Bureau Workers' Mutual Aid Associations (No. 945, 1940).

Imperial Ordinance for Printing Bureau Workers' Mutual Aid Association (No. 944, 1940).

Imperial Ordinance for Communication Workers' Mutual Aid Association (No. 950, 1940).

Imperial Ordinance for Forestry Bureau Workers' Mutual Aid Association (No. 306, 1919).

Imperial Ordinance for Policemen's Mutual Aid Association (No. 44, 1920).

Imperial Ordinance for Mint Workers' Mutual Aid Association (No. 946, 1940).

Imperial Ordinance for Silk Inspection Bureau Workers' Mutual Aid Association (No. 201, 1937).

Imperial Ordinance for Jailors' Mutual Aid Association (No. 489, 1940).

Imperial Ordinance for Teachers' Mutual Aid Association (No. 17, 1941).

Imperial Ordinance for Government Employees' Mutual Aid Association (No. 827, 1940).

Imperial Ordinance for Public Workers' Mutual Aid Association (No. 649, 1941).

Imperial Ordinance for Hokkaido Forestry Workers' Mutual Aid Association (No. 686, 1942).

Regulations for the Enforcement of the Ship Law (Communications Ministry Ordinance No 24, 1899)

Regulations for the Enforcement of the Ship Safety Law (Communications Ministry Ordinance No 4, 1934)

Regulations for Ship Licenses (Communications Ministry Ordinance No 24, 1907)

The validity of the Ordinances enumerated in the preceding paragraph shall be provisional, and necessary measures for their amendment or repeal shall be taken by July 15, 1948

All the ordinances named in the first paragraph shall be of no legal effect on and after 16 July 1948, unless sooner enacted into law or repealed by 15 July

Article 2 The "Imperial Ordinance" in other laws (including the provisions of the orders having the same validity as laws under the provisions of the preceding Article) will read "cabinet order"

The provisions of the preceding paragraph shall not be interpreted as delegation to the Cabinet or other agencies of the executive the power to issue ordinances in cases where the Constitution of Japan does not authorize them to do so

[illegible]

Person Other Than the Head of a Household Has Been Conferred a Peerage)

[illegible]

and of a Person Who by Marriage Has Changed from the Status of a Subject to That of a Member of the Imperial Family)

[illegible]

Who Has Left a Household in Japan Proper and Has Become a Member of the Royal or a Peerage Family in Korea)

Ministerial Regulation, 1869 (Concerning the Status of Shizoku (warrior class)

Cabinet Ordinance (Dajokan Fukoku) No 29, 1871 (Concerning the Request for Classing Hereditary Sotsu (soldier) with Shizoku)

Cabinet Ordinance No 44, 1871 (Concerning the Request for Classing Gosi (village warrior) with Shizoku)

Cabinet Ordinance No 73, 1873 (Concerning the Matter of Classing with the Commoners Those Members of the Peerage and Shizoku Who Establish Households of Their Own)

Cabinet Ordinance No 3, 1879 (Concerning the Abolishment of the Title of Shizoku after the Death of the Head of a Shizoku Household)

Supplementary Provisions

This law will come into force as from the date of the enforcement of the Constitution of Japan

Such matters as may be necessary for the enforcement of this Law shall be provided for by Cabinet Order (Law No 72, 1947)

The present Law shall come into force as from the date of its promulgation (Law No 244, 1947)

This Law shall be enforced as from the date of its promulgation and applied as from 2 May 1948 (Law No 44, 1948)

AMENDMENT TO BOARD OF AUDIT ACT
(Law No. 73, 19 April 1947)

Chapter I. Organization

Section I. General Provisions

Article 1. The Board of Audit has such status as independent of the Cabinet.

Article 2. The Board of Audit shall be organized by a Council of Auditors consisting of three Auditors, and General Executive Bureau.

Article 3. The Head of the Board of Audit shall be nominated by the Cabinet, as elected by mutual vote of Auditors.

Section II. Auditors

Article 4. The Auditors shall be appointed, with consent of the Diet, by the Prime Minister.

In case the House of Councillors does not consent to the appointment of the Auditor despite the consent of the House of Representatives, the consent of the House of Representatives shall be the consent of the Diet in the same way as paragraph 2 of Article 67 of the Constitution of Japan.

The Emperor shall attest the appointment and dismissal of the Auditors.

The amount of salary granted to the Auditor shall accord with the amount of salary granted to the Minister of State.

Article 5. The Auditors shall hold office for a term of seven years, with privilege of reappointment for one additional term.

If, within a tenure of an Auditor, a vacancy cccurs in that office, the successive Auditor shall hold office for a remaining term of the predecessor.

The Auditors shall be retired from office upon the attainment of the age of sixty-five years.

Article 6. The Auditor shall be retired, by the resolution of the Diet, when in the collegiate judgment of other Auditors, the Auditor has become incapacitated to perform his duties due to mental or corporal injury, or guilty of malfeasance in office.

The provision of paragraph 2 of Article 4 shall apply mutatis mutandis to the preceding paragraph.

Article 7. The Auditor shall forfeit his office, when he is condemned to a penalty heavier than confinement by the criminal court.

Article 8. Except in cases of the preceding two Articles, no Auditor shall against his will forfeit his office.

Article 9. No Auditor shall hold another post under Government Office or Local Public Body, or become a member of the Diet or a Local Assembly.

Section III. Council of Auditors

Article 10. The Chairman of the Council of Auditors shall be the President of the Board of Audit.

Article 11. The following matters shall be decided by the Council of Auditors:

1. Enactment or revision or abolition of the Board of Audit Regulations under Article 38.
2. The Report of Audit under Article 29.
3. Decision of such matters and organizations as are subject to audit under Article 23.
4. Matters relating to verification of accounts under Article 24.
5. Demand of punishment under Article 31.
6. Judgment relating to accounting officials under Article 32.
7. Settlement of claim of examination under Article 35.
8. Indication of opinions or demand of disposal under Article 36.
9. Indication of opinions under Article 37.

Section IV. General Executive Bureau

Article 12. The General Executive Bureau shall, under direction and supervision of the Council of Auditors, take charge of general affairs and business of audit and examination.

In the General Executive Bureau, there shall be a Secretariat and the following four bureaus:

First Audit Bureau
Second Audit Bureau
Third Audit Bureau
Fourth Audit Bureau

Assignment of business under secretariat and each Bureau, and Sections thereunder shall be provided for by the Board of Audit Regulations.

Article 13. In the General Executive Bureau, there shall be one Secretary General, one Deputy Secretary General, and Confidential Secretaries, secretaries and Technical Officials.

The Secretary General and Deputy Secretary General shall be first class and Confidential Secretary shall be second class; and Secretary shall be first, second or third class and Technical Official shall be second or third class.

The number of the first class Secretaries shall be eleven.

Article 14. Officials of first class shall be appointed, dismissed, and so on, by the Cabinet in accordance with the decision of the Council of Auditors.

With regard to the Secretary General and Deputy Secretary General, the provisions concerning the qualification of appointment or promotion of officials shall not be applied.

Officials of second class shall be appointed, dismissed, and so on, by the Prime Minister in accordance with the decision of the Secretary General with consent of Auditors.

Officials of third class shall be appointed, dismissed, and so on, by the Secretary General

Article 15 The Secretary General shall preside over the business of the General Executive Bureau, and sign on official documents

The Deputy Secretary General shall assist the Secretary General and during the period the Secretary General cannot perform his function for some reason, or during a vacancy in that office, shall act for him

Article 16 The Director of Bureau shall be nominated by the President of the Board from among Secretaries of first class, with consent of Auditors, upon recommendation of the Secretary General

The Director of Bureau shall preside over the business of the Bureau

Article 17. The Confidential Secretary shall be in charge of confidential matters under direction of Auditors

Secretaries shall be assigned as Chiefs of Sections of Secretariat or of each Bureau, or assigned to Bureaus or Sections to have charge of general affairs, audit, or examination under instruction of superiors

Article 18 Technical officials shall be assigned to Sections to have charge of technics under instruction of superiors

Article 19 The Board of Audit may establish branch offices according to the provision of the Board of Audit Regulations

Chapter II Competency

Section I General Provision

Article 20 The Board of Audit shall audit final accounts of the revenues and expenditures of the State under Article 90 of the Constitution of Japan and also such accounts as are provided for by a law

The Board of Audit shall, continuing current audit regularly, supervise the national accounting and secure its adequacy, and correction of its illegality

Article 21 The Board of Audit shall, according to results of audit, certify the final accounts of revenues and expenditures of the State

Section II Sphere of Audit

Article 22 Matters which shall be subject to the audit by the Board of Audit are as follows

1 Monthly accounts of revenues and expenditures of the State

2 Receipts and disbursement of cash money and government properties which are owned by the State

3 Creation of liquidation of the State credit, or increase or decrease of national bond and other debts

4 Cash money, precious metals and securities received and disbursed by the Bank of Japan on behalf of the State

5 The accounts of juridical persons of which 50% or more of capital is contributed by the State

6 Such accounts as are specially subject to audit of the Board of Audit by a law

Article 23 The Board of Audit may audit, if it deems it necessary, or at the request of the Cabinet, such accounting as follows

1 Goods and securities which are owned or taken custody of, by the State, and cash money taken custody of, by the State

2 Such accounts of receipts and disbursements of cash money, goods, or securities as handled, on behalf of the State by bodies other than the State

3 The accounts of such bodies as are granted subsidies, bounties or such financial assistance as loan or indemnity of loss and so on, directly or indirectly

4 The accounts of such bodies as are partially contributed by the State

5 The accounts of such bodies as are contributed by such bodies as are contributed by the State

6 The accounts of such bodies as are granted guaranty on payment of the principal or interest

7 Accounts of contractors with the State of construction, or suppliers of goods to the State

When the Board of Audit decides to audit under the preceding paragraph, the Board shall inform the bodies concerned to that effect

Section III Measure of Audit

Article 24 Organizations or persons, the accounts of which are audited by the Board of Audit, shall regularly submit to the Board of Audit statements of accounts together with proving vouchers in accordance with the regulations of verifications provided for by the Board

As regards the accounts of receipts and disbursements of moneys, goods and securities which are owned or taken custody of, by the State, other documents designated by the Board of Audit may be submitted to the Board in place of the statements of accounts and vouchers of the preceding paragraph

Article 25 The Board of Audit may, regularly or temporarily, despatch officials in charge to conduct inspection wherever accounting may happen

Article 26 The Board of Audit may demand, if necessary to perform its functions, the organizations or persons which are subject to audit of the Board, submittance of books, files, or reports and answer to the inquiry of the Board, or attendance of officials concerned

Article 27 The competent superior or supervising office, or a responsible person corresponding to them shall report immediately to the Board on such matters as follows concerning such accounts as are subject to the audit of the Board

1 Discovery of crime concerning accounting

2 Discovery of loss of money, securities or other properties

Article 28 The Board of Audit may ask, if necessary for audit, materials of investigation or professional opinion to government offices or public bodies and the like.

Section IV. Reports of Audit

Article 29. The reports of audit made according to Article 90 of the Constitution of Japan shall mention the following matters:

1. The certification of the final accounts of revenues and expenditures of the State.
2. Whether or not the amounts of final accounts of national revenues and expenditures correspond to the amounts given in the statement of accounts submitted by the Bank of Japan.
3. Whether or not, as results of audit, there are such matters as in contravention of laws, government ordinance or the budget, or are unjust.
4. Whether or not there is not any payment from reserve fund, as to which no measure has been taken to receive an approval of the Diet.
5. Matters of which the Board demanded disciplinary punishment under Article 31 and the results of it.
6. Decision against accounting officials under Article 32.
7. Matters of which the Board indicated its opinions or demanded disposal under Article 34 and the results of cooperation of officials concerned.
8. Matters of which the Board indicated its opinions or demanded disposal under Article 36 and the results of cooperation of the competent superior.

Article 30 The Board of Audit may if it deems it necessary to explain at the Diet with regard to the reports of audit of the preceding Article, make the Auditor attend the Diet or may explain through documents.

Section V. Responsibility of Local Officials

Article 31 The Board of Audit may demand disciplinary punishment to the superior, if it deems, in consequence of audit, that officials in charge of national accounts have caused grave loss to the State by intention or grave negligence.

The provision of the preceding paragraph shall apply mutatis mutandis to cases that officials in charge of national accounts do not observe the regulations of verifications, for example neglect submittance of statement of accounts and proving vouchers, or do not comply with the demand under the provision of Article 26.

Article 32 The Board of Audit shall, in case that an accounting official has lost or damaged money or goods, decide whether he is liable for indemnity or not, after inspecting whether or not he has caused loss to the State by lack of due diligence.

In case that the Board of Audit decided he is liable for indemnity, the superior of the official shall order him indemnity in accordance with the decision of the preceding paragraph.

The liability to pay an indemnity of paragraph 1 shall not be remitted or reduced except by the general amnesty.

Even after the Board of Audit decided that an accounting official was not liable under paragraph 1, the Board of Audit may decide, within five years, whether he is liable or not, when the Board discovered its decision was unjust due to any mistake or omission on the statements of accounts or vouchers. The preceding two paragraphs shall apply mutatis mutandis to this case.

Article 33. When officials in charge of accounts of the State is recognized to be guilty of crime in execution of his function, the Board of Audit shall refer to the Board of Prosecution for further action.

Section VI. Miscellaneous Provisions

Article 34 The Board of Audit may immediately indicate its opinion to the superiors or officials concerned, or demand of them disposal of, or order future correction and improvement of, such matters as the Board, in the course of audit, deems illegal or unjust relating to accounts.

Article 35 The Board of Audit shall examine the claims of the persons concerned based on the fiscal disposals of officials in charge of fiscal matters and inform such settlement as the Board recognizes it necessary to correct such disposals to the competent Ministry or responsible superiors shall take due disposal in accordance with the settlement of the Board.

Article 36 The Board of Audit may state its opinions to the competent Ministry or responsible superior with regard to such matters as the Board deems it necessary to improve laws, ordinances, systems or administration or order improvement thereof.

Article 37. The Board of Audit shall receive previous notice and may state its opinions in the following cases:

1. Establishment, amendment, or abolition of laws or ordinance concerning accounting of the State.
2. Establishment, amendment or abolition of regulations concerning the receipts and disbursements of moneys, goods and securities, and the bookkeeping thereof.

The Board of Audit shall state its opinion on doubt as to matters relating to accounting of the State, if inquired by the officials in charge of accounts of the State.

Chapter III. Board of Audit Regulations

Article 38. The Board of Audit shall provide such regulations as are necessary in addition to the provisions of this Law, with regard to audit of accounts.

Supplementary Provisions

Article 1 This Law shall come into force at the effective date of the Constitution of Japan

Article 2 The following Law shall be abolished

Law No 91 of 1896 (Law concerning the Retirement of Auditors)

Article 3 With regard to the application of paragraphs 3 and 4 of Article 32 as to the liability of accounting officials based on reasons previous to the effective date of this Law, the judgment of the Board according to the old Board of Audit Law shall be deemed to be the decision in accordance with paragraph 1 of the amended Article 32

Article 4 Such matters as provided for by the Business Regulations, and other audit regulations enacted by the Board, which are actually effective shall be disposed as before, until enactment of the Board of Audit Regulations according to the amended Article 38

Article 5 The President of the Board of Audit in office on the effective date of this Law shall hold office, until the appointment of the Head of the Board by the new Law

The President of the preceding paragraph and such two persons as nominated from among Directors of Divisions and Inspectors by the president shall perform the function of new Auditors, until the appointment of the Auditors by the new Law

The President of the Board in office on the effective date of this Law shall act as Secretary General until appointment of the Secretary General of this law.

Article 6 Directors of Divisions, Inspectors, Secretaries, Vice-Inspectors, Special Secretaries, and Clerks in office on the effective date of this Law, except by another nomination, shall be deemed to be appointed Secretaries of the same salary as hitherto, and officials of Chokunin Rank as first class, Sonin Rank as second class, and Hannin Rank as third class

The officials suspended from office on the effective date of this Law shall be deemed to be appointed Secretaries suspended from office in the same way

Article 7 .The two of first Auditors shall be appointed for terms of three and five years respectively despite the provisions of paragraph 1 of Article 5

Supplementary Provision

The present Law shall be applied as from the effective date of such provision of a law as will provide the amount of salary of the Minister of State

THE DIET LAW*

Contents:

Chapter I. Convocation and Opening Ceremony

Article 1. An Imperial rescript convoking the Diet shall be promulgated, setting the date for assembling.

An Imperial rescript convoking an ordinary session shall be promulgated at least twenty (20) days in advance.

An Imperial rescript convoking an extraordinary session or a special session under Article 54 of the Constitution of Japan need not be bound by the provision of the preceding paragraph.

Article 2. An ordinary session shall be convoked annually within the first ten days of December. The date of convocation, however, must be such that the term of office of Diet members will not expire during an ordinary session.

Article 3. A demand for convocation of an extraordinary session must be submitted in writing jointly by one-fourth or more of all members of either House to the Cabinet through the President of the House.

Article 4. A demand for an emergency session of the House of Councillors, with date for assembling stipulated, must be made to the President of that House by the Prime Minister.

Article 5. Diet members must assemble at their respective Houses on the date designated by the Imperial rescript of convocation.

Article 6. On the date of assembling, each House shall elect a President and Vice President, or both, if the offices are vacant.

Article 7. Pending the election of the President and Vice President, the Secretary General shall act in the capacity of President.

Article 8. An Opening Ceremony shall be held at the beginning of each session.

Article 9. The President of the House of Representatives shall preside at the Opening Ceremony.

In case the President of the House of Representatives is absent or incapacitated, the President of the House of Councillors shall preside.

Chapter II. Term of Session and Recess

Article 10. The term of an ordinary session shall be one hundred and fifty (150) days.

Article 11. The term of either an extraordinary session or a special session shall be determined by decision of the Houses.

Article 12. The term of a Diet session may be extended by decision of the Houses.

Article 13. If the Houses disagree on the matters under the two preceding Articles, the decision of the House of Representatives shall prevail.

Article 14. The term of a Diet session shall be counted as from the date of convocation.

Article 15. A recess of the Diet shall require the decision of both Houses, but either House acting alone may recess for a period not to exceed [seven (7)] *ten (10)* days.

During a recess of the Diet or of a single House, a plenary session of either House may be called when the President of the House deems it urgent or when one-fourth or more of all members of the House demand it.

*The Diet Law was enacted 19 March 1947. The Law Amending the Diet Law was enacted 5 July 1948. The original law and the amendments are contained herein; changes and additions are in italics and deletions are in brackets.

Chapter III Officers and Expenditures

Article 16 The officers of each House shall be as ollows

(1) President
(2) Vice President
(3) President pro tem
(4). Chairman of Standing Committees.
(5) Secretary General

Article 17 There shall be one President and one Vice President for each House

Article 18 The term of office for the President and for the Vice President of each House shall coincide with their term of office as Diet members

Article 19 The President of each House shall maintain order in the House, adjust its proceedings, supervise its business, and represent it

Article 20 The President of each House may attend and address committee meetings

Article 21 When the President of either House is absent or the office is vacant, the Vice President shall perform the functions of the President

Article 22 When both the President and the Vice President of either House are absent or incapacitated, a President pro tem shall be elected by the House to perform the functions of the President

The House may entrust the President with the selection *of the President pro tem*

Article 23 When in either House the office of President or Vice President, or both, become vacant, elections shall be conducted immediately to fill them

Article 24 When a President pro tem is to be elected, and no officer is present to perform the functions of the President in conducting the elections prescribed in the preceding Article, the Secretary General shall perform *the functions of the President*

Article 25 Chairmen of Standing Committees shall be elected in each House from among the membership of the respective Standing Committees

Article 26 Each House shall have one Secretary General, Secretaries, and other necessary personnel

Article 27 The Secretary General shall be elected in each House from among non-Diet members Secretaries and other personnel shall be appointed or dismissed by the Secretary General with the consent of the President *and the approval of the Standing Committee for House Management*

Article 28 The Secretary General shall, under the supervision of the President, administer the affairs of the House and sign official documents

The Secretaries shall, by order of the Secretary General, administer the affairs of the House

Article 29 If the Secretary General is absent or incapacitated, or the office is vacant, a Secretary who has been previously designated shall perform the functions of the Secretary General

Article 30 Officers can resign with permission of the House During adjournment, permission for resignation of officers may be given by the President

30-2 If either House finds it specially necessary, by decision of the House a Standing Committee Chairman may be relieved of his post

Article 31 Officers shall not hold concurrently a government office

Article 32 Expenditures of each House shall be appropriated independently in the national budget.

The above appropriation shall include a contingent fund

Chapter IV Members

Article 33 No member of either House shall be arrested without the consent of the House concerned during the term of a session, unless he is apprehended while committing a crime outside the Diet

[illegible] Diet

A member of the House of Councillors who is arrested before the opening of an emergency session of that House must be freed during the term of the session upon demand of the House

34-2 Under the provisions of Articles 33 and 34, in asking the consent of the House concerned for the arrest of a member, the Cabinet shall submit a copy of the written request presented by the court or the judge to the Cabinet prior to issuance of th warrant of arrest.

Article 35 Members shall each receive an annual allowance not less in amount than the highest pay for government officials in general

Article 36 Members shall receive a retirement allowance, according to provisions separately made

Article 37. Members may travel without charge on State railways during a session and at any other [illegible] official business, according to regulations [illegible] made

Article 38 Members shall receive [illegible] fixed separately, for posting official [illegible] communications of official character [illegible] a session

[Article 39 Members cannot [illegible]

which they are elected, be appointed as officials of the Government or of a local public entity, unless stipulated by law.]

[Members cannot, during the term for which they are elected, be appointed as members of committees, advisers, non-official staff (Shokutaku), or other similar offices under the various adminstrative branches of the Government, unless such an appointment is fixed by law or provided for by decision of the Diet.]

Article 39. No member, during his term of office, shall be appointed concurrently as an official of the Government or of a local public entity, except as Prime Minister, other Cabinet Ministers, Secretary General of the Cabinet, Vice Minister of each Ministry, or offices otherwise positively stipulated by law; provided, however, that with the approval of the Diet, members may be appointed, during their term of office, as commissioners, advisors (komon), councillors (sanyo), or as other corresponding officials of the executive branch of the Government.

Chapter V. Committees and Committee Members

Article 40. In each House there shall be Standing Committees and Special Committees.

Article 41. Standing Committee members shall be selected by each House at the beginning of the first session of their term of office as Diet members and shall serve during their term.

[Each member shall be selected to serve on at least one Standing Committee but cannot serve concurrently on more than three Standing Committees.]

Every member shall serve on at least one Standing Committee; however, he shall not serve on more than two Standing Committees concurrently. If he serves on two Standing Committees, one of the two shall be limited to the Standing Committee for Budgets, Audit, House Mangement, Disciplinary Measures, or Library Management.

Article 42. Standing Committees of each House shall be as follows, and they shall examine the bills, petitions, representations, and other items which come under their respective spheres of work.

(1) *Standing Committee for Adminstrative Research and Civil Service.*
(2) Standing Committee for [Public Safety and Local Government] *Local Administration.*
(3) *Standing Committee for Economic Stabilization.*
(4) Standing Committee for [Judicial Affairs] *Attorney General's Office.*
(5) Standing Committee for Foreign Affairs.
(6) Standing Committee for Finance.
(7) Standing Committee for Education.
[Standing Committee for Culture]
(8) Standing Committee for Welfare.
(9) Standing Committee for Commerce *and Industry.*
[Standing Committee for Mining and Industry, Standing Committee for Electricity]
(10) Standing Committee for Agriculture and Forestry.
(11) Standing Committee for Fisheries.
(12) Standing Committee for Transportation.
(13) Standing Committee for Communications.
(14) Standing Committee for Labor.
(15) *Standing Committee for Construction.*
[Standing Committee for National Land Planning]
(16) Standing Committee for Budgets.
(17) Standing Committee for Audit.
(18) Standing Committee for House Management.
(19) Standing Committee for Disciplinary Measures.
(20) Standing Committee for Library Management.

[Each House can increase, decrease, or combine the Standing Committees above mentioned, upon recommendation of the Legislative Committee of the Houses.]

Either House may establish Standing Committees other than those listed in the preceding paragraph or may combine those mentioned above if a national adminstrative organ is newly established or abolished, or upon recommendation of the Legislative Committee of the Houses, or if deemed especially necessary by the House. However, the Houses shall have identical Committees.

[Article 43. Each Standing Committee shall be provided at least two qualified specialists, who are not Diet members, and an adequate number of secretarial assistants, all of whom shall be permanent staff. However, qualified specialists and secretarial assistants shall not be appointed when the House deems them unnecessary.]

[Qualified specialists above mentioned shall receive adequate remuneration and shall not be otherwise employed. They cannot occupy any post in the administrative branches of the Government for two (2) years following their resignation from a Standing Committee.]

Article 43. Each Standing Committee shall have at least two non-Diet member specialists (called Qualified Specialists, "senmonin"; Research Secretaries, "chosain"; and Research Clerks, "chosa-shuji") as permanent staff of the Committee, unless the House deems their appointment unnecessary.

Qualified Specialists shall receive adequate compensation and shall not hold any other post concurrently.

Qualified Specialists shall not take any post in the executive branch of Government for one (1) year following resignation from their posts.

Article 44. A Standing Committee of one House may hold a joint hearing with a Standing Committee of the other House if they so agree.

Article 45. Members of a Special Committee shall be elected by each House in order to examine specially designated matters which do not come within the jurisdiction of any Standing Committee, and they shall serve until the matter they are entrusted with is decided upon by the House.

The Chairman of a Special Committee shall be elected by a majority vote of the Committee from its membership

Article 46 Membership on Standing Committees and Special Committees shall be allotted in proportion to the numerical strength of political parties or groups in the respective Houses

46–2 *After appointment of Committee members in compliance with the preceding paragraph, the President may, notwithstanding the provision of Article 41, paragraph 1, change committee membership with the approval of the Standing Committee for House Management when it becomes necessary to reallocate members as the result of a shift in the numerical strength of parties or groups in the House*

Article 47 Standing Committees and Special Committees shall examine matters entrusted to them only during the term of a session

During adjournment, however, Standing Committees and Special Committees may, by decision of each House, examine matters especially entrusted to them

Article 48 The Chairman of each Committee shall adjust its proceedings and maintain order in the Committee

Article 49 A Committee may not open deliberations and transact business unless one-half or more of its members are present

Article 50 The proceedings of a Committee shall be decided by majority vote of the members present In case of a tie, the Chairman shall make the decision

Article 51 A Committee may conduct open hearings on important questions of popular concern or public interest in order to hear the views of interested parties or persons of learning and experience

Such hearings must be held on the general budget and on important revenue bills

Article 52 A Committee may be attended by Diet members and the general public as authorized by the Chairman However, a Committee may hold secret meetings if it so decides

The Chairman of a Committee may cause noncommittee members to leave a meeting so as to maintain order

Article 53 The Chairman must report the proceedings and results of his Committee to the House

Article 54 A minority opinion rejected in Committee may be reported to the House by members of the minority following the Chairman s report

The President may place a time limit on the minority report When an adequate summary of the minority report is presented to the President, it shall be entered in the Record of Proceedings, together with the Committee's report

Chapter VI Plenary Sessions

Article 55 The President of each House shall fix the calendar of proceedings and give advance notice of it to the House

If the President deems it urgent, he may hold a plenary session after merely notifying members of the date and time of such session

55–2 *Concerning the order of proceedings and other matters which the President deems necessary, he may consult only with a subcommittee selected by the Standing Committee for House Management however, the President shall not be bound by their opinion, if they fail to agree*

Article 56 Any member may introduce a bill

When a bill is introduced, the President shall assign it to the appropriate Committee for examination, after which it shall be placed on the agenda in plenary session However, when considered urgent, Committee examination may be omitted by decision of the House

A bill which the Committee decides not to submit to a plenary session of the House shall not be submitted However, when demanded by twenty (20) or more members within seven (7) days (not counting the period of recess) from the date of the Committee decision, it must be submitted to a plenary session

If no such demand is made, the bill is rejected

The two preceding paragraphs shall not apply to bills transmitted from the other House

56 2 *Concerning any bill introduced in the House, an explanation of its purport will be heard in plenary session if deemed specially necessary by the Standing Committee for House Management*

56–3 *Each House may request a Committee to make an interim report on a matter pending in the Committee if the House deems it specially necessary*

If deemed of urgent necessity by the House, it may place a time limit upon Committee deliberations [illegible] *as provided in the preceding paragraph,* [illegible] *may deliberate the case in a plenary session*

If a time limit has been placed upon [illegible] *and such deliberations have not been* [illegible] *limit, deliberations shall be* [illegible] *ever, the House may extend* [illegible] *request of the Committee*

Article 57 A [illegible] placed before a [illegible] twenty (20) or more [illegible]

Article 58 A bill [illegible] House shall be [illegible] examination [illegible] mission] *from the* [illegible]

Article 59 [illegible] a bill already [illegible] mittee without [illegible]

Article 60 [illegible] the [illegible] of a bill [illegible]

may explain the bill when it is presented in the other House.

Article 61. The President of each House may limit time for interpellations, debate, or other utterances, unless [otherwise decided by] the House *has previously decided otherwise.*

If one-fifth or more of the members object to the time limit placed by the President, he shall consult the House.

The part of a member's speech omitted because of the time limit may be entered in the Record of Proceedings to such an extent as considered suitable by the President, unless otherwise decided by the House.

Article 62. Upon motion by the President or by ten (10) or more members, the proceedings of each House may be closed to the public by a vote of two-thirds or more of the members present.

Article 63. Parts of the Record of Proceedings of a secret session which have been voted upon as specially requiring secrecy may not be made public.

Article 64. When the office of Prime Minister becomes vacant or when the Prime Minister tenders his resignation, the Cabinet shall immediately so notify both Houses.

Article 65. When bills requiring the decision of both Houses are passed, or when the decision of the House of Representatives becomes the final decision of the Diet, those bills requiring promulgation shall be reported to the Throne through the Cabinet by the President of the House of Representatives, while other bills shall be sent to the Cabinet.

Nomination of a Prime Minister shall be communicated by the President of the House of Representatives to the Throne through the Cabinet.

Article 66. A law must be promulgated within thirty (30) days from the date of its submission to the Throne.

Article 67. A special law applicable only to a single local public entity, shall after approval by the Diet, be submitted to a vote of the people of the local public entity concerned, as provided separately by law, and when approved by the majority of the voters of that local public entity shall become law.

Article 68. Any matter not decided during a session shall not be carried over to the following session, *excepting the case prescribed in Article 47, paragraph 2.*

Chapter VII. Ministers of State and Representatives of the Government

Article 69. The Cabinet may, with the approval of the Presidents of the Houses, appoint representatives of the Government to assist Ministers of State in the Diet.

Article 70. A Minister of State and a representative of the Government, when desiring to speak at a House or Committee meeting, must notify the President or the Chairman of the Committee concerned.

Article 71. A Committee may, through the President, request the presence of a Minister of State or a representative of the Government at its meeting.

Article 72. A Committee may, through the President, request the presence of *and explanation by* the President of the Board of Audit and auditors at its meeting.

With the consent of a Committee, the Chief Justice of the Supreme Court or a deputy designated by him may, upon his request, attend Committee meetings to offer explanations.

Article 73. Reports of proceedings of the Diet and of Committee meetings shall, simultaneously with their distribution to Diet Members, be delivered to Ministers of State and representatives of the Government.

Chapter VIII. Interpellations and Free Discussion

Article 74. A member of each House desiring to interpellate the Cabinet must obtain the approval of the President.

A brief statement of the purport of an interpellation shall be presented to the President.

When a member objects to the President's disapproval of his interpellation, the President must submit the matter to a decision of the House.

If demanded by the member, the President shall have entered in the Record of Proceedings a brief statement of the purport of the member's disapproved interpellation.

Article 75. The President of each House shall transmit to the Cabinet a brief statement of the purport of an approved interpellation.

The Cabinet must make a reply within seven (7) days of receipt of an interpellation. When a reply is not made within the specified period, the reason for the delay shall be clearly stated.

Article 76. When an interpellation is urgent, it may be made orally if the House so decides.

Article 77. The Cabinet reply to an interpellation may be put to debate, and also to a vote of the House, upon motion of a member.

Article 78. Each House must, during the term of a session, meet at least once every [two (2)] *three* (3) weeks for the purpose of conducting free discussion [of national affairs] *in relation to government* by its members.

A subject under free discussion may be put to a vote of the House upon motion of a member.

A time limit for speeches during free discussion shall be set by the President, unless otherwise decided by the House.

Chapter IX Petitions

Article 79 A person desiring to petition either House shall present a written petition to the House through a member.

Article 80 Adoption of a petition shall be by decision of either House after examination by the appropriate Committee

A petition deemed by the Committee to be unnecessary for submission to the House shall not be submitted However, when demanded by twenty (20) or more members, a petition must be presented to the House

Article 81 Petitions adopted by either House and deemed appropriate for Cabinet action shall be transmitted to the Cabinet

The Cabinet must, every year, report to the House concerned the particulars of the disposal of petitions mentioned in the preceding paragraph

Article 82 Each House independently shall receive and dispose of petitions without interference from the other House

Chapter X Relations Between the Houses

jection shall be made to House B

When House B has agreed to or rejected a matter transmitted from House A, notification of agreement or rejection shall be made to House A

When House B has amended a matter transmitted from House A, it shall be referred to House A

When House A has agreed or has not agreed to a matter referred thereto by House B, notification of agree-

ves has by the ncillors,

has rejected a legislative bill transmitted thereto by the House of Representatives or has not agreed to a legislative bill referred thereto by the House of Representatives, the House of Representatives may request a meeting of a Joint Committee of the Houses

In spite of the preceding paragraph, the House of Councillors may, with its notification of disagreement, request a meeting of a Joint Committee of the Houses, only when the House of Councillors has not agreed to a legislative bill referred thereto by the House of Representatives However, on this occasion, the House of Representatives may refuse the request for a meeting of a Joint Committee of the Houses

Article 85 In connection with budget estimates or

jected a matter transmitted thereto by the House of Representatives, the House of Representatives must request a meeting of a Joint Committee of the Houses

In connection with treaties receiving prior consideration by the House of Councillors, when the House of Councillors has not agreed to a matter referred thereto by the House of Representatives, or when the House of Representatives has rejected a matter transmitted thereto by the House of Councillors, the House of Councillors must request a meeting of a Joint Committee of the Houses

Article 86 When either House has decided upon the nomination of the Prime Minister, the other House shall be so notified

When the Houses disagree upon the nomination of the Prime Minister, the House of Councillors must request a meeting of a Joint Committee of the Houses

Article 87 Except for the provisions in the three

ing of a Joint Committee of the Houses, the other House cannot refuse, except as provided in Art. 84, paragraph 2

Article 89 A Joint Committee of the Houses shall consist of twenty (20) members, ten (10) of whom shall be elected by each House

Article 90 A meeting of a Joint Committee of the Houses shall be presided over alternately by a Chairman elected by and from each House's membership on the Joint Committee The Chairman for the initial meeting shall be chosen by lottery.

Article 91. A meeting of a Joint Committee of the Houses cannot open proceedings or make any decision unless two-thirds or more of the Joint Committeemen respectively of each House are present.

Article 92. A Joint Committee of the Houses shall decide upon a definitive draft only when two-thirds or more of the members of the Joint Committee present have voted for it

The proceedings of a Joint Committee of the Houses shall, except as provided in the preceding paragraph, be determined by a majority vote of the members of the Joint Committee present, in case of a tie, the decision shall be made by the Chairman.

Article 93 A definitive draft prepared by a Joint Com-

mittee of the Houses shall be considered first by the House which requested the meeting and then by the other House.

A definitive draft shall not be subject to further amendment.

Article 94. When a definitive draft cannot be agreed upon by a Joint Committee of the Houses, the Chairmen of the Joint Committee must so notify their respective Houses.

Article 95. The President of either House may be present and express his views at a meeting of a Joint Committee of the Houses.

Article 96. A Joint Committee of the Houses may demand the presence at its meeting of Ministers of State and representatives of the Government.

Article 97. Other than those specified in the two preceding Articles, only committee members shall be permitted to attend a meeting of a Joint Committee of the Houses.

Article 98. Rules concerning a Joint Committee of the Houses, other than those provided for in this law, shall be prescribed by decision of the Houses.

Chapter XI Legislative Committee of the Houses

[Article 99 The Legislative Committee of the Houses shall make recommendations to the Houses and the Cabinet concerning the introduction of new legislation, existing laws, and Cabinet orders, it shall also investigate and study the Diet Law and other regulations of the Houses and make recommendations to the Houses for their revision.]

Article 99. The Legislative Committee of the Houses shall perform the following functions: (1) to single out specific problems relating to government and to make recommendations thereon to the Houses; (2) to make recommendations to the Houses for new legislation or concerning existing laws and Cabinet orders; (3) to investigate and study the laws and regulations pertaining to the Diet and to make recommendations to the House for their revision.

The Legislative Committee of the Houses shall, before the end of every session, submit to the President of each House a report on the matters listed in the preceding paragraph

[Article 100 The Legislative Committee shall consist of eighteen (18) members, of whom the House of Representatives shall elect ten (10) and the House of Councillors elect eight (8). The Chairman of the Committee shall be elected by majority vote of the Committee from among its members.]

Article 100. The Legislative Committee of the Houses shall consist of ten (10) members of the House of Representatives and eight (8) members of the House of Councillors, elected by the respective Houses. Meetings shall be presided over alternately by Chairmen elected respectively by the Committee members of each House. The Chairman for the initial meeting shall be decided by lottery.

The term of office of Committee members shall be the same as that of members of the Houses.

Article 101. The Legislative Committee cannot hold a meeting while the Diet is not in session, unless otherwise decided by the Diet.

Article 102. Additional provisions governing the Legislative Committee shall be decided by the Houses.

Chapter XII Relations Between the Diet, the General Public, and Public Offices

Article 103 Each House may dispatch its members for examination [and investigation] *of bills and other matters, for investigations in relation to government, or for any other purpose deemed necessary by the House.*

Article 104. The Cabinet, the Government, and public offices must comply with requests of each House for submission of necessary reports and documents for investigation.

[Article 105 The Cabinet and the Ministries must send copies of their publications to the Diet Library.]

[When deemed necessary, the Standing Committees for Library Management, jointly or separately, may cause the Cabinet and Ministries to send their publications to Diet Members.]

Article 106. When witnesses are called to testify in connection with legislative matters and the investigation of national affairs, each House shall, according to regulations separately made, provide them with travel expenses and daily allowances.

Chapter XIII. Resignation, Retirement, Vacancies, and Qualifications

Article 107. Each House may authorize resignations of its members. When the House is adjourned, the President may authorize resignations.

Article 108. A member becomes retired when he is elected to the other House or when he is appointed to an office which, according to law, he cannot occupy concurrently as a Diet member.

Article 109. A member becomes retired when he loses eligibility for Diet membership.

Article 110. The President of the House concerned must notify the Election Administration Management Commission of the existence of a Diet vacancy.

Article 111. When a litigation occurs concerning a member's qualifications, the House concerned will offer

a resolution after the completion of the Committee's examination

The above-mentioned litigation shall be presented in written form to the President by a member of the House concerned

Article 112 When a litigation concerning a member's qualifications has been initiated, the member may employ one or two attorneys, but only one at State expense

Article 113 A member will maintain his membership *and authority connected with it in the House until he* has been disqualified However, he may defend himself but cannot vote in a meeting in which a litigation concerning his qualifications is pending

Chapter XIV Discipline and Police

Article 114 In order to maintain discipline during sessions the President of each House shall exercise police power within the Diet in accordance with this Law and the regulations prescribed by each House

The preceding paragraph shall be applied mutatis mutandis during an emergency session of the House of Councillors

Article 115 The Cabinet shall dispatch, upon request of the Presidents of the Houses, an adequate police force for the Diet The police will be superintended by the Presidents

Article 116 During a plenary session, when a member acts contrary to this Law or rules of proceedings, or is guilty of disorderly conduct, or injures the dignity of the House, the President shall warn or restrain him or cause him to retract his words When a member disobeys an order, the President may silence him until the end of the meeting or cause him to leave the chamber

Article 117 The President may recess or adjourn a meeting in case it becomes too disorderly to control

Article 118 A visitor who obstructs the progress of business in the House may be ordered to leave the House by the President or may be placed in custody of the police, if necessary

The President may order all visitors to leave in case the gallery becomes disorderly

Article 119 No insulting language shall be used and no remarks concerning the private affairs of another member shall be made in the House

Article 120 A member insulted during a plenary session or in committee may appeal to the House for action against the guilty members

Chapter XV Disciplinary Measures

Article 121 The President shall refer a disciplinary case occurring in the House to the Standing Committee for Disciplinary Measures for examination, and he shall pronounce the sentence passed by the House

A Committee Chairman shall report a disciplinary case occurring in a Committee to the President for necessary action

A motion for disciplinary action, initiated by twenty (20) or more members, shall be presented within three (3) days after a disciplinary case occurs

Article 122 Disciplinary action shall be as follows

(1) Admonition in a meeting open to the public

(2) Address of apology in a meeting open to the public

(3) Suspension of attendance in the House for a certain period

(4) Expulsion

Article 123 Neither House shall refuse to seat a member who has been reelected following his expulsion

Article 124 The President shall refer to the Standing Committee for Disciplinary Measures a case of a member who fails to attend the House without justification within seven (7) days after the member received an invitation which the President specially sent to him because, (a) the member did not attend the Diet without a justifiable reason within seven (7) days after the date of convocation, (b) the member was absent from a plenary session or a committee meeting without a justifiable reason, (c) the period of leave of absence expired

Chapter XVI Court of Impeachment

Article 125 Impeachment against judges shall be conducted by the Court of Impeachment, composed of an equal number of judges elected by the respective Houses from among their members

The Presiding Judge of the Court of Impeachment shall be elected by majority vote of the Court from among its members

Article 126 Removal proceedings against judges shall be instituted by the Proceedings Committee composed of members elected by the House of Representatives

The Chairman of the Proceedings Committee shall be elected by majority vote of the Committee from its membership

Article 127 A judge of the Court of [illegible] shall not become concurrently a member of [illegible] ings Committee

Article 128 When the judges are [illegible] House and the Proceedings Com[illegible] elected in the House of Representatives, [illegible] bers for these positions shall be [illegible]

Article 129 Matters relating [illegible] ment and the Proceedings Com[illegible] provided for in this Law, sha[illegible]

Chapter XVII. [DIET LIBRARY AND MEMBERS' CLUB] *National Diet Library, Legislative Bureau, and Members' Club*

Article 130. The *National* Diet Library shall be established *in the Diet as provided by law* to help members with investigations and research.

The *National* Diet Library may be used by the public.

[Article 131. Each House shall have a legal department to expedite the drafting of legal measures by members.]

Article 131. A Legislative Bureau shall be established in each House for the purpose of aiding Diet members in drafting legislation.

The Legislative Bureau of each House shall have a Director, Secretaries, and other necessary personnel.

The Director shall be appointed or dismissed by the President, with the approval of the House. However, the President may accept the resignation of the Director during adjournment of the Diet.

The Director shall administer the business of the Legislative Bureau under the supervision of the President.

Secretaries and other personnel of the Legislative Bureau shall be appointed or dismissed by the Director with the consent of the President and the approval of the Standing Committee for House Management.

Secretaries shall administer their business under the direction of the Director.

Regulations necessary for administering the business of the Legislative Bureau shall be approved by the Standing Committee for House Management.

Article 132. A Members' Club, where office rooms and one *(1) secretary* [clerical assistant] for each member shall be provided, shall be established to facilitate members' business.

Supplementary Provisions

This Law shall come into force from the day of the enforcement of the Japanese Constitution.

The present Law of the Houses shall be repealed.

Until an election for the President and Vice President of the House of Representatives is held according to this Law, the President and Vice President who hold office when this Law comes into force shall remain in their respective offices.

Until an election for the Secretary General of each House is held according to this Law, the Chief Secretary of the House of Representatives and of the House of Peers who hold office when this Law comes into force shall continue to hold their respective offices as Secretary General.

Until the House of Councillors adopts its House regulations, the regulations for the House of Representatives shall be followed with respect to procedures and regulations for meetings or other matters in the first session of the House of Councillors.

Supplementary Provisions of Amendment Law (5 July 1948)

[A]. This Law shall come into force as from the day of its promulgation, provided however, that the revised provisions of Article 41, paragraph 2, and Article 42 shall be enforced as from the date of convocation of the Third Session of the Diet.

[B]. A part of the Law concerning the Temporary Appointment of Parliamentary Vice Ministers (Law No. 2[illegible] of 1948) shall read as follows:

Article 3. Deleted.

Article [illegible]. The provisions of Article 1 and Article 2 of this Law shall become invalid as from the date of the enforcement of the National Government Organization Law.

[C]. "Vice Minister of each Ministry" in the amended provision of Article 39 shall read as "Parliamentary Vice Ministers" until the date of the enforcement of the National Government Organization Law.

AMENDMENT TO THE ESTABLISHMENT OF INFERIOR COURTS AND THEIR TERRITORIAL JURISDICTION LAW

(Law No 89, July 18, 1947)

The Law No. 63 of 1947 shall partially be amended as follows

Article 1. Next to "the Local Courts" there shall be added the "Summary Courts as mentioned in the Annexed Table No 3"

Article 2. The territorial jurisdiction of each High Court, District Court and Summary Court shall be determined as mentioned in the Annexed Table No 4

Article 3 In case the administrative areas by which the territorial jurisdiction of a court is determined are altered, such jurisdiction shall also be altered in accordance therewith, but if a new administrative area is created or the whole area under the jurisdiction of one court is merged into the administrative area under the jurisdiction of another court, there shall be no change in the territorial jurisdiction of the courts concerned.

The same shall apply to cases where Gun (subprefecture), Cho (town) or Aza (sub-village) within the areas of cities, towns or villages and other areas which served as standards for the determination of the territorial jurisdiction of courts are altered

Article 4 Should there be any area for which the court to have jurisdiction over such area is not fixed in accordance with the provisions of the preceding two Articles, the court having jurisdiction over such area shall be determined by the Supreme Court until fixed by an amendment of the present Law

The Annexed Table No 3 shall be amended as follows

Table No 3

Name	Locality
Tokyo Summary Court	Chiyoda-ku, Tokyo Metropolis
Shinjiku Summary Court	Shinjiku-ku, Tokyo Metropolis
Daito Summary Court	Daito-ku, Tokyo Metropolis
Sumida Summary Court	Sumida-ku, Tokyo Metropolis
Shinagawa Summary Court	Shinagawa-ku, Tokyo Metropolis
Shibuya Summary Court	Shibuya-ku, Tokyo Metropolis
Tokyo-Nakano Summary Court	Nakano-ku, Tokyo Metropolis
Toshima Summary Court	Toshima-ku, Tokyo Metropolis
Tokyo-Kita Summary Court	Kita-ku, Tokyo Metropolis
Adachi Summary Court	Adachi-ku, Tokyo Metropolis
Katsushika Summary Court	Katsushika-ku, Tokyo Metropolis
Edogawa Summary Court	Edogawa ku, Tokyo Metropolis
Hachijojima Summary Court	Ogago-mura, Hachijojima, Tokyo Metropolis
Izu-Oshima Summary Court	Moto-mura, Oshima, Tokyo Metropolis
Niijima Summary Court	Niijima-Hon-mura, Oshima, Tokyo Metropolis
Hachioji Summary Court	Hachioji City, Tokyo Metropolis
Tachikawa Summary Court	Tachikawa City, Tokyo Metropolis
Musashino Summary Court	Musashino-machi, Kitatama-gun, Tokyo Metropolis
Ome Summary Court	Ome-machi, Nishitama-gun, Tokyo Metropolis
Itsukaichi Summary Court	Itsukaichi, Nishitama-gun, Tokyo Metropolis
Yokohama Summary Court	Naka-ku, Yokohama City
Kanagawa Summary Court	Kanagawa-ku, Yokohama City
Yokohama-Nishi Summary Court	Nishi-ku, Yokohama City
Yokohama-Minami Summary Court	Minami ku Yokohama City
Kawasaki Summary Court	Kawasaki City
Kamakura Summary Court	Kamakura City
Fujisawa Summary Court	Fujisawa City
Sagamihara Summary Court	Sagamihara machi, Koza gun, Kanagawa Prefecture
Kanagawa-Nakano Summary Court	Nakano-machi, Tsukui-gun, Kanagawa Prefecture
Yokosuka Summary Court	Yokosuka City
Misaki Summary Court	Misaki-machi, Miura-gun, Kanagawa Prefecture
Hiratsuka Summary Court	Hiratsuka City
Odawara Summary Court	Odawara City
Atsugi Summary Court	Atsugi-machi, Aiko-gun, Kanagawa Prefecture
Urawa Summary Court	Urawa City
Kawaguchi Summary Court	Kawaguchi City
Omiya Summary Court	Omiya City
Kuki Summary Court	Kuki-machi, Minamisaitama-gun, Saitama Prefecture
Koshigaya Summary Court	Koshigaya-machi, Minamisaitama-gun, Saitama Prefecture
Kawagoe Summary Court	Kawagoe City
Hanno Summary Court	Hanno-machi, Iruma-gun, Saitama Prefecture
Kumagaya Summary Court	Kumagaya City
Ogawa Summary Court	Ogawa-machi, Hiki-gun, Saitama Prefecture
Honjo Summary Court	Honjo-machi, Kodama-gun, Saitama Prefecture
Chichibu Summary Court	Chichibu-machi, Chichibu-gun, Saitama Prefecture
Chiba Summary Court	Chiba City
Sakura Summary Court	Sakura machi, Imba-gun, Chiba Prefecture
Ohara Summary Court	Ohara-machi, Isumi gun, Chiba Prefecture
Chiba Ichinomiya Summary Court	Ichinomiya-machi, Chosei gun, Chiba Prefecture
Matsudo Summary Court	Matsudo City
Ichikawa Summary Court	Ichikawa City
Kisarazu Summary Court	Kisarazu City
Tateyama Summary Court	Tateyama City
Choshi Summary Court	Choshi City
Togane Summary Court	Togane machi, Sambu-gun, Chiba Prefecture

Name	Locality
Yokaichiba Summary Court	Yokaichiba-machi, Sosa-gun, Chiba Prefecture
Sawara Summary Court	Sawara-machi, Katori-gun, Chiba Prefecture
Mito Summary Court	Mito City
Kasama Summary Court	Kasama-machi, Nishiibaragi-gun, Ibaragi Prefecture
Hitachi Summary Court	Hitachi City
Ibaragi-Ota Summary Court	Ota-machi, Kuji-gun, Ibaragi Prefecture
Daigo Summary Court	Daigo-machi, Kuji-gun, Ibaragi Prefecture
Tsuchiura Summary Court	Tsuchiura City
Ishioka Summary Court	Ishioka-machi, Niihari-gun, Ibaragi Prefecture
Ryugasaki Summary Court	Ryugasaki-machi, Inashiki-gun, Ibaragi Prefecture
Torite Summary Court	Torite-machi, Kitasoma-gun, Ibaragi Prefecture
Aso Summary Court	Aso-machi, Namekata-gun, Ibaragi Prefecture
Hokoda Summary Court	Hokoda-machi, Kashima-gun, Ibaragi Prefecture
Shimozuma Summary Court	Shimozuma-machi, Makabe-gun, Ibaragi Prefecture
Shimodate Summary Court	Shimodate-machi, Makabe-gun, Ibaragi Prefecture
Koga Summary Court	Koga-machi, Sashima-gun, Ibaragi Prefecture
Utsunomiya Summary Court	Utsunomiya City
Nikko Summary Court	Nikko-machi, Kamitsuga-gun, Tochigi Prefecture
Moka Summary Court	Moka-machi, Haga-gun, Tochigi Prefecture
Otawara Summary Court	Otawara-machi, Nasu-gun, Tochigi Prefecture
Yaita Summary Court	Yaita-machi, Shioya-gun, Tochigi Prefecture
Karasuyama Summary Court	Karasuyama-machi, Nasu-gun, Tochigi Prefecture
Tochigi Summary Court	Tochigi City
Ashikaga Summary Court	Ashikaga City
Ashio Summary Court	Ashio-machi, Kamitsuga-gun, Tochigi Prefecture
Maebashi Summary Court	Maebashi City
Takasaki Summary Court	Takasaki City
Gumma-Ota Summary Court	Ota-machi, Nitta-gun, Gumma Prefecture
Tatebayashi Summary Court	Tatebayashi-machi, Ora-gun, Gumma Prefecture
Isezaki Summary Court	Isezaki City
Kiryu Summary Court	Kiryu City
Numata Summary Court	Numata-machi, Tone-gun, Gumma Prefecture
Nakanojo Summary Court	Nakanojo-machi, Azuma-gun, Gumma Prefecture
Fujioka Summary Court	Fujioka-machi, Tano-gun, Gumma Prefecture
Gumma-Tomioka Summary Court	Tomioka-machi, Kitakanra-gun, Gumma Prefecture
Shizuoka Summary Court	Shizuoka City
Shimizu Summary Court	Shimizu City
Atami Summary Court	Atami City
Shizuoka-Mishima Summary Court	Mishima City
Numazu Summary Court	Numazu City
Shimoda Summary Court	Shimoda-machi, Kamo-gun, Shizuoka Prefecture
Yoshihara Summary Court	Yoshihara-machi, Fuji-gun, Shizuoka Prefecture
Shimada Summary Court	Shimada-machi, Shida-gun, Shizuoka Prefecture
Kakegawa Summary Court	Kakegawa-machi, Ogasa-gun, Shizuoka Prefecture
Hamamatsu Summary Court	Hamamatsu City
Futamata Summary Court	Futamata-machi, Iwata-gun, Shizuoka Prefecture
Kofu Summary Court	Kofu City
Nirazaki Summary Court	Nirazaki-machi, Kitakoma-gun, Yamanashi Prefecture
Ogasawara Summary Court	Ogasawara-machi, Nakakoma-gun, Yamanashi Prefecture
Kusakabe Summary Court	Kusakabe-machi, Higashiyamanashi-gun, Yamanashi Prefecture
Kajikazawa Summary Court	Kajikazawa-machi, Minamikoma-gun, Yamanashi Prefecture
Yamura Summary Court	Yamura-machi, Minamitsuru-gun, Yamanashi Prefecture
Otsuki Summary Court	Otsuki-machi, Kitatsuru-gun, Yamanashi Prefecture
Yoshida Summary Court	Fukuchi-mura, Minamitsuru-gun, Yamanashi Prefecture
Uenohara Summary Court	Uenohara-machi, Kitatsuru-gun, Yamanashi Prefecture
Nagano Summary Court	Nagano City
Iiyama Summary Court	Iiyama-machi, Shimominochi-gun, Nagano Prefecture
Yashiro Summary Court	Yashiro-machi, Hanishina-gun, Nagano Prefecture
Ueda Summary Court	Ueda City
Iwamurata Summary Court	Iwamurata-machi, Kitasaku-gun, Nagano Prefecture
Matsumoto Summary Court	Matsumoto City
Kiso-Fukushima Summary Court	Fukushima-machi, Nishichikuma-gun, Nagano Prefecture
Omachi Summary Court	Omachi, Kitaazumi-gun, Nagano Prefecture
Suwa Summary Court	Suwa City
Okaya Summary Court	Okaya City
Iida Summary Court	Iida City
Ina Summary Court	Ina-machi, Kamiina-gun, Nagano Prefecture
Niigata Summary Court	Niigata City
Niitsu Summary Court	Niitsu-machi, Nakakanbara-gun, Niigata Prefecture
Maki Summary Court	Maki-machi, Nishikanbara-gun, Niigata Prefecture
Sanjo Summary Court	Sanjo City
Shibata Summary Court	Shibata City
Murakami Summary Court	Murakami-machi, Iwafune-gun, Niigata Prefecture
Nagaoka Summary Court	Nagaoka City
Ojiya Summary Court	Ojiya-machi, Kitauonuma-gun, Niigata Prefecture
Tokamachi Summary Court	Toka-machi, Nakauonuma-gun, Niigata Prefecture
Kashiwazaki Summary Court	Kashiwazaki City
Muikamachi Summary Court	Muika-machi, Minamiuonuma-gun, Niigata Prefecture
Takada Summary Court	Takada City
Naoetsu Summary Court	Naoetsu-machi, Nakakubiki-gun, Niigata Prefecture

Name	Locality
Itoigawa Summary Court	Itoigawa-machi, Nishikubiki-gun, Niigata Prefecture
Aikawa Summary Court	Aikawa-machi, Sado-gun, Niigata Prefecture
Osaka Summary Court	Kita-ku, Osaka City
Miyakojima Summary Court	Miyakojima-ku, Osaka City
Ikuno Summary Court	Ikuno-ku, Osaka City
Higashiyodogawa Summary Court	Higashiyodogawa-ku, Osaka City
Nishiyodogawa Summary Court	Nishiyodogawa-ku, Osaka City
Nishinari Summary Court	Nishinari-ku, Osaka City
Abeno Summary Court	Abeno-ku, Osaka City
Osaka-Ikeda Summary Court	Ikeda City
Toyonaka Summary Court	Toyonaka City
Suita Summary Court	Suita City
Ibaraki Summary Court	Ibaraki-machi, Mishima-gun, Osaka Prefecture
Fuse Summary Court	Fuse City
Hirakata Summary Court	Hirakata-machi, Kitakawachi-gun, Osaka Prefecture
Sakai Summary Court	Sakai City
Tondabayashi Summary Court	Tondabayashi-machi, Minamikawachi-gun, Osaka Prefecture
Furuichi Summary Court	Furuichi-machi, Minamikawachi-gun, Osaka Prefecture
Kishiwada Summary Court	Kishiwada City
Sano Summary Court	Sano-machi, Sennan-gun, Osaka Prefecture
Kyoto Summary Court	Nakakyo-ku, Kyoto City
Fushimi Summary Court	Fushimi-ku, Kyoto City
Ukyo Summary Court	Ukyo-ku, Kyoto City
Mukomachi Summary Court	Muko-machi, Otokuni-gun, Kyoto Prefecture
Kizu Summary Court	Kizu-machi, Soraku-gun, Kyoto Prefecture
Uji Summary Court	Uji-machi, Kuse-gun, Kyoto Prefecture
Sonobe Summary Court	Sonobe-machi, Funai-gun, Kyoto Prefecture
Kameoka Summary Court	Kameoka-machi, Minamikuwata-gun, Kyoto Prefecture
Shuzan Summary Court	Shuzan-machi, Kitakuwata-gun, Kyoto Prefecture
Miyazu Summary Court	Miyazu-machi, Yosa-gun, Kyoto Prefecture
Mineyama Summary Court	Mineyama-machi, Naka-gun, Kyoto Prefecture
Kumihama Summary Court	Kumihama machi, Kumano-gun, Kyoto Prefecture
Maizuru Summary Court	Maizuru City
Fukuchiyama Summary Court	Fukuchiyama City
Ayabe Summary Court	Ayabe-machi, Ikaruga-gun, Kyoto Prefecture
Kobe Summary Court	Ikuta-ku, Kobe City
Nada Summary Court	Nada-ku, Kobe City
Nishinomiya Summary Court	Nishinomiya City
Takarazuka Summary Court	Ryogen-mura, Muko-gun, Hyogo Prefecture
Itami Summary Court	Itami City
Amagasaki Summary Court	Amagasaki City
Sanda Summary Court	Sanda-machi, Arima-gun, Hyogo Prefecture
Akashi Summary Court	Akashi City
Sasayama Summary Court	Sasayama-machi, Taki-gun, Hyogo Prefecture
Kaibara Summary Court	Kaibara-machi, Hikami-gun, Hyogo Prefecture
Himeji Summary Court	Himeji City
Kakogawa Summary Court	Kakogawa-machi, Kako-gun, Hyogo Prefecture
Yashiro Summary Court	Yashiro-machi, Kato-gun, Hyogo Prefecture
Tatsuno Summary Court	Tatsuno-machi, Io-gun, Hyogo Prefecture
Aioi Summary Court	Aioi City
Yamazaki Summary Court	Yamazaki-machi, Shisawa-gun, Hyogo Prefecture
Toyooka Summary Court	Toyooka-machi, Kinosaki-gun, Hyogo Prefecture
Wadayama Summary Court	Wadayama-machi, Asago-gun, Hyogo Prefecture
Yaoka Summary Court	Yaoka-machi, Yabu-gun, Hyogo Prefecture
Hamasaka Summary Court	Hamasaka-machi, Mikata-gun, Hyogo Prefecture
Sumoto Summary Court	Sumoto City
Nara Summary Court	Nara City
Yagyu Summary Court	Yagyu-mura, Soekami-gun, Nara Prefecture
Sakurai Summary Court	Sakurai-machi, Shiki-gun, Nara Prefecture
Katsuragi Summary Court	Takata-machi, Kitakatsuragi-gun, Nara Prefecture
Uda Summary Court	Ouda-machi, Uda-gun, Nara Prefecture
Gojo Summary Court	Gojo-machi, Uchi-gun, Nara Prefecture
Yoshino Summary Court	Shimoichi-machi, Yoshino-gun, Nara Prefecture
Totsugawa Summary Court	Totsugawa-mura, Yoshino-gun, Nara Prefecture
Otsu Summary Court	Otsu City
Imazu Summary Court	Imazu-machi, Takashima-gun, Shiga Prefecture
Minakuchi Summary Court	Minakuchi-machi, Koga-gun, Shiga Prefecture
Hikone Summary Court	Hikone City
Yokaichi Summary Court	Yokaichi-machi, Kanzaki-gun, Shiga Prefecture
Shiga Hachiman Summary Court	Hachiman-machi, Gamo-gun, Shiga Prefecture
Nagahama Summary Court	Nagahama City
Maibara Summary Court	Maibara-machi, Sakata-gun, Shiga Prefecture
Kinomoto Summary Court	Kinomoto-machi, Ika-gun, Shiga Prefecture
Wakayama Summary Court	Wakayama City
Kainan Summary Court	Kainan City
Yuasa Summary Court	Yuasa-machi, Arita-gun, Wakayama Prefecture
Myoji Summary Court	Myoji-machi, Ito-gun, Wakayama Prefecture
Hashimoto Summary Court	Hashimoto-machi, Ito-gun, Wakayama Prefecture
Tanabe Summary Court	Tanabe City
Susami Summary Court	Susami-machi, Nishimuro-gun, Wakayama Prefecture
Kushimoto Summary Court	Kushimoto-machi, Nishimuro-gun, Wakayama Prefecture
Gobo Summary Court	Gobo-machi, Hidaka-gun, Wakayama Prefecture

Name	Location
Shingu Summary Court	Shingu City
Hongu Summary Court	Hongu-mura, Higashimuro-gun, Wakayama Prefecture
Nagoya Summary Court	Higashi-ku, Nagoya City
Nakagawa Summary Court	Nakagawa-ku, Nagoya City
Showa Summary Court	Showa-ku, Nagoya City
Nishibiwajima Summary Court	Nishibiwajima-machi, Nishikasugai-gun, Aichi Prefecture
Kasugai Summary Court	Kasugai City
Aichi-Seto Summary Court	Seto City
Toyohashi Summary Court	Toyohashi City
Ichinomiya Summary Court	Ichinomiya City
Inuyama Summary Court	Inuyama-machi, Niwa-gun, Aichi Prefecture
Handa Summary Court	Handa City
Aichi-Yokosuka Summary Court	Yokosuka-machi, Chita-gun, Aichi Prefecture
Okazaki Summary Court	Okazaki City
Anjo Summary Court	Anjo-machi, Hekikai-gun, Aichi Prefecture
Nishio Summary Court	Nishio-machi, Hazu-gun, Aichi Prefecture
Koromo Summary Court	Koromo-machi, Nishikamo-gun, Aichi Prefecture
Toyokawa Summary Court	Toyokawa City
Shinshiro Summary Court	Shinshiro-machi, Minamishitara-gun, Aichi Prefecture
Tsu Summary Court	Tsu City
Suzuka Summary Court	Suzuka City
Kameyama Summary Court	Kameyama-machi, Suzuka-gun, Mie Prefecture
Matsusaka Summary Court	Matsusaka City
Ueno Summary Court	Ueno City
Yokkaichi Summary Court	Yokkaichi City
Kuwana Summary Court	Kuwana City
Ujiyamada Summary Court	Ujiyamada City
Toba Summary Court	Toba-machi, Shima-gun, Mie Prefecture
[illegible] Summary Court	[illegible], Taki-gun, Mie Prefecture
Kinomoto Summary Court	Kinomoto-machi, Minamimuro-gun, Mie Prefecture
Owase Summary Court	Owase-machi, Kitamuro-gun, Mie Prefecture
Gifu Summary Court	Gifu City
Hachiman Summary Court	Hachiman-machi, Gujo-gun, Gifu Prefecture
Ogaki Summary Court	Ogaki City
Mitake Summary Court	Mitake-machi, Kani-gun, Gifu Prefecture
Tajimi Summary Court	Tajimi City
Gifu-Nakatsu Summary Court	Nakatsu-machi, Ena-gun, Gifu Prefecture
Takayama Summary Court	Takayama City
Fukui Summary Court	Fukui City
Takefu Summary Court	Takefu-machi, Nanjo-gun, Fukui Prefecture
Ono Summary Court	Ono-machi, Ono-gun, Fukui Prefecture
Tsuruga Summary Court	Tsuruga City
Obama Summary Court	Obama-machi, Onyu-gun, Fukui Prefecture
Kanazawa Summary Court	Kanazawa City
Komatsu Summary Court	Komatsu City
Nanao Summary Court	Nanao City
Hakui Summary Court	Hakui-machi, Hakui-gun, Ishikawa Prefecture
Wajima Summary Court	Wajima-machi, Fugeshi-gun, Ishikawa Prefecture
Ishikawa-Iida Summary Court	Iida-machi, Suzu-gun, Ishikawa Prefecture
Toyama Summary Court	Toyama City
Yatsuo Summary Court	Yatsuo-machi, Nei-gun, Toyama Prefecture
Uozu Summary Court	Uozu-machi, Shimoniikawa-gun, Toyama Prefecture
Tomari Summary Court	Tomari-machi, Shimoniikawa-gun, Toyama Prefecture
Kamiichi Summary Court	Kamiichi-machi, Nakaniikawa-gun, Toyama Prefecture
Takaoka Summary Court	Takaoka City
Himi Summary Court	Himi-machi, Himi-gun, Toyama Prefecture
Demachi Summary Court	Demachi, Higashitonami-gun, Toyama Prefecture
Johana Summary Court	Johana-machi, Higashitonami-gun, Toyama City
Isurugi Summary Court	Isurugi-machi, Nishitonami-gun, Toyama Prefecture
Hiroshima Summary Court	Hiroshima City
Kabe Summary Court	Kabe-machi, Asa-gun, Hiroshima Prefecture
Yae Summary Court	Yae-machi, Yamagata-gun, Hiroshima Prefecture
Otake Summary Court	Otake-machi, Saeki-gun, Hiroshima Prefecture
Kure Summary Court	Kure City
Takehara Summary Court	Takehara-machi, Kamo-gun, Hiroshima Prefecture
Onomichi Summary Court	Onomichi City
Innoshima Summary Court	Habu-machi, Mitsuki-gun, Hiroshima Prefecture
Kozan Summary Court	Kozan-machi, Sera-gun, Hiroshima Prefecture
Fukuyama Summary Court	Fukuyama City
Yuki Summary Court	Yuki-machi, Jinseki-gun, Hiroshima Prefecture
Joge Summary Court	Joge-machi, Konu-gun, Hiroshima Prefecture
Miyoshi Summary Court	Miyoshi-machi, Futami-gun, Hiroshima Prefecture
Shobara Summary Court	Shobara-machi, Hiba-gun, Hiroshima Prefecture
Yamaguchi Summary Court	Yamaguchi City
Bofu Summary Court	Bofu City
Yamaguchi-Ota Summary Court	Ota-machi, Mine-gun, Yamaguchi Prefecture
Isa Summary Court	Isa-machi, Mine-gun, Yamaguchi Prefecture
Ikumo Summary Court	Ikumo-mura, Abu-gun, Yamaguchi Prefecture
Tokuyama Summary Court	Tokuyama City
Kano Summary Court	Kano-machi, Tsuno-gun, Yamaguchi Prefecture
Hagi Summary Court	Hagi City
Yamaguchi-Fukawa Summary Court	Fukawa-machi, Otsu-gun, Yamaguchi Prefecture
Iwakuni Summary Court	Iwakuni City
Hongo Summary Court	Hongo-mura, Kuga-gun, Yamaguchi Prefecture
Yanai Summary Court	Yanai-machi, Kuga-gun, Yamaguchi Prefecture
Kuga Summary Court ...	Kuga-machi, Oshima-gun, Yamaguchi Prefecture

Name	Locality
Shimonoseki Summary Court	Shimonoseki City
Funaki Summary Court	Funaki-machi, Asa gun, Yamaguchi Prefecture
Ube Summary Court	Ube City
Okayama Summary Court	Okayama City
Ushimado Summary Court	Ushimado-machi, Oku gun, Okayama Prefecture
Tamano Summary Court	Tamano City
Katakami Summary Court	Katakami machi, Wake-gun, Okayama Prefecture
Tamashima Summary Court	Tamashima-machi, Asaguchi-gun, Okayama Prefecture
Kurashiki Summary Court	Kurashiki City
Kasaoka Summary Court	*Kasaoka-machi, Oda-gun, Okayama* Prefecture
Ihara Summary Court	Ihara-machi, Shizuki-gun, Okayama Prefecture
Takahashi Summary Court	Takahashi-machi, Jobo-gun, Okayama Prefecture
Niimi Summary Court	Niimi-machi, Atetsu-gun, Okayama Prefecture
Tsuyama Summary Court	Tsuyama City
Hayashino Summary Court	Hayashino-machi, Aida-gun, Okayama Prefecture
Katsuyama Summary Court	Katsuyama-machi, Maniwa-gun, Okayama Prefecture
Tottori Summary Court	Tottori City
Kawahara Summary Court	Kawahara-machi, Yazu-gun, Tottori Prefecture
Wakasa Summary Court	Wakasa-machi, Yazu-gun, Tottori Prefecture
Kurayoshi Summary Court	Kurayoshi-machi, Tohaku-gun, Tottori Prefecture
Yabase Summary Court	Yabase-machi, Tohaku-gun, Tottori Prefecture
Yonago Summary Court	Yonago City
Kurosaka Summary Court	Kurosaka-machi, Hino-gun, Tottori Prefecture
Matsue Summary Court	Matsue City
Kisuki Summary Court	Kisuki-machi, Ohara-gun, Shimane Prefecture
Imaichi Summary Court	Izumo City
Shimane-Ota Summary Court	Ota-machi, Anno-gun, Shimane Prefecture
Hamada Summary Court	Hamada City
Masuda Summary Court	Masuda machi Mino-gun, Shimane Prefecture
Kawamoto Summary Court	Kawamoto-machi, Ochi gun, Shimane Prefecture
Saigo Summary Court	Saigo-machi, Suki-gun, Shimane Prefecture
Fukuoka Summary Court	Fukuoka City
Togo Summary Court	Togo-machi Munakata-gun, Fukuoka Prefecture
Maebara Summary Court	Maebara-machi, Itoshima-gun, Fukuoka Prefecture
Amaki Summary Court	Amaki-machi, Asakura-gun, Fukuoka Prefecture
Iizuka Summary Court	Iizuka City
Nogata Summary Court	Nogata City
Kokura Summary Court	Kokura City
Orio Summary Court	Orio-machi, Yawata City
Moji Summary Court	Moji City
Kurume Summary Court	Kurume City
Yoshii Summary Court	Yoshii-machi, Ukiha gun, Fukuoka Prefecture
Yanagawa Summary Court	Yanagawa-machi, Yamato-gun, Fukuoka Prefecture
Omuda Summary Court	Omuda City
Yame Summary Court	Fukushima-machi, Yame-gun, Fukuoka Prefecture
Yukuhashi Summary Court	Yukuhashi-machi, Miyako-gun, Fukuoka Prefecture
Hachiya Summary Court	Hachiya-machi, Chikujo-gun, Fukuoka Prefecture
Tagawa Summary Court	Tagawa City
Saga Summary Court	Saga City
Ogi Summary Court	Ogi-machi, Ogi-gun, Saga Prefecture
Tosu Summary Court	Tosu-machi, Miyaki-gun, Saga Prefecture
Takeo Summary Court	Takeo-machi, Kinoshima-gun, Saga Prefecture
Rokkaku Summary Court	Rokkaku-mura, Kinoshima-gun, Saga Prefecture
Kashima Summary Court	Kashima-machi, Fujitsu-gun, Saga Prefecture
Imari Summary Court	Imari-machi, Nishimatsuura-gun, Saga Prefecture
Karatsu Summary Court	Karatsu City
Yobuko Summary Court	Yobuko-machi, Higashimatsuura-gun, Saga Prefecture
Nagasaki Summary Court	Nagasaki City
Nagasaki-Seto Summary Court	Seto-machi, Nishisonoki-gun, Nagasaki Prefecture
Omura Summary Court	Omura City
Isahaya Summary Court	Isahaya City
Shimabara Summary Court	Shimabara City
Nagasaki-Obama Summary Court	Obama-machi, Minamitakaki-gun, Nagasaki Prefecture
Sasebo Summary Court	Sasebo City
Hirado Summary Court	Hirado-machi, Kitamatsuura-gun, Nagasaki Prefecture
Mushozu Summary Court	Mushozu-machi, Iki-gun, Nagasaki Prefecture
Fukue Summary Court	Fukue-machi, Minamimatsuura gun, Nagasaki Prefecture
Arikawa Summary Court	Arikawa-machi, Minamimatsuura gun, Nagasaki Prefecture
Itsuhara Summary Court	Itsuhara-machi, Shimoagata-gun, Nagasaki Prefecture
Sasuna Summary Court	Sasuna mura, Kamiagata-gun, Nagasaki Prefecture
Oita Summary Court	Oita City
Beppu Summary Court	Beppu City
Kitsuki Summary Court	Kitsuki-machi, Hayami-gun Oita Prefecture
Kunisaki Summary Court	Kunisaki-machi, Higashikunisaki gun, Oita Prefecture
Nakatsu Summary Court	Nakatsu City
Usa Summary Court	Yokkaichi-machi, Usa-gun, Oita Prefecture
Tamatsu Summary Court	Takata machi, Nishikunisaki-gun, Oita Prefecture
Hida Summary Court	Hida City
Takeda Summary Court	Takeda-machi, Naori gun, Oita Prefecture
Mie Summary Court	Mie machi, Ono-gun, Oita Prefecture
Saeki Summary Court	Saeki City
Usuki Summary Court	Usuki machi, Kitaamabe-gun, Oita Prefecture
Kumamoto Summary Court	Kumamoto City

Name	Locality
Misumi Summary Court	Misumi-machi, Uto-gun, Kumamoto Prefecture
Arao Summary Court	Arao City
Tamana Summary Court	Tamana-machi, Tamana-gun, Kumamoto Prefecture
Yamaga Summary Court	Yamaga-machi, Kamoto-gun, Kumamoto Prefecture
Miyaji Summary Court	Miyaji-machi, Aso-gun, Kumamoto Prefecture
Takamori Summary Court	Takamori-machi, Aso-gun, Kumamoto Prefecture
Mifune Summary Court	Mifune-machi, Kamimashiki-gun, Kumamoto Prefecture
Hamamachi Summary Court	Hamamachi, Kamimashiki-gun, Kumamoto Prefecture
Yatsushiro Summary Court	Yatsushiro City
Minamata Summary Court	Minamata-machi, Ashikita-gun, Kumamoto Prefecture
Hitoyoshi Summary Court	Hitoyoshi City
Amakusa Summary Court	Hondo-machi, Amakusa-gun, Kumamoto Prefecture
Ushifuka Summary Court	Ushifuka-machi, Amakusa-gun, Kumamoto Prefecture
Kagoshima Summary Court	Kagoshima City
Ijuin Summary Court	Ijuin-machi, Hioki-gun, Kagoshima Prefecture
Tanegashima Summary Court	Nishinoomoto-machi, Kumage-gun, Kagoshima Prefecture
Yakushima Summary Court	Kamiyaku-mura, Kumage-gun, Kagoshima Prefecture
Kajiki Summary Court	Kajiki-machi, Aira-gun, Kagoshima Prefecture
Okuchi Summary Court	Okuchi-machi, Isa-gun, Kagoshima Prefecture
Iwakawa Summary Court	Iwakawa-machi, Soo-gun, Kagoshima Prefecture
Chiran Summary Court	Chiran-machi, Kawanabe-gun, Kagoshima Prefecture
Kaseda Summary Court	Kaseda-machi, Kawanabe-gun, Kagoshima Prefecture
Ibusuki Summary Court	Ibusuki-machi, Ibusuki-gun, Kagoshima Prefecture
Sendai Summary Court	Sendai City
Izumi Summary Court	Izumi-machi, Izumi-gun, Kagoshima Prefecture
Koshikijima Summary Court	Kamikoshiki-mura, Satsuma-gun, Kagoshima Prefecture
Kanoya Summary Court	Kanoya City
Onejime Summary Court	Onejime-machi, Kinotsuki-gun, Kagoshima Prefecture
Miyazaki Summary Court	Miyazaki City
Tsuma Summary Court	Tsuma-machi, Koyu-gun, Miyazaki Prefecture
Obi Summary Court	Obi-machi, Minaminaka-gun, Miyazaki Prefecture
Miyakonojo Summary	Miyakonojo City
Kobayashi Summary Court	Kobayashi-machi, Nishimorogata-gun, Miyazaki Prefecture
Nobeoka Summary Court	Nobeoka City
Tomishima Summary Court	Tomishima-machi, Higashiusuki-gun, Miyazaki Prefecture
Takachiho Summary Court	Takachiho-machi, Nishiusuki-gun, Miyazaki Prefecture
Sendai Summary Court	Sendai City
Okawara Summary Court	Okawara-machi, Shibata-gun, Miyagi Prefecture
Furukawa Summary Court	Furukawa-machi, Shita-gun, Miyagi Prefecture
Iwadeyama Summary Court	Iwadeyama-machi, Tamatsukuri-gun, Miyagi Prefecture
Tsukidate Summary Court	Tsukidate-machi, Kuribara-gun, Miyagi Prefecture
Ishinomaki Summary Court	Ishinomaki City
Toyoma Summary Court	Toyoma-machi, Toyoma-gun, Miyagi Prefecture
Kesennuma Summary Court	Kesennuma-machi, Motoyoshi-gun, Miyagi Prefecture
Shizukawa Summary Court	Shizukawa-machi, Motoyoshi-gun, Miyagi Prefecture
Fukushima Summary Court	Fukushima City
Nihonmatsu Summary Court	Nihonmatsu-machi, Adachi-gun, Fukushima Prefecture
Koriyama Summary Court	Koriyama City
Miharu Summary Court	Miharu-machi, Tamura-gun, Fukushima Prefecture
Shirakawa Summary Court	Shirakawa-machi, Nishishirakawa-gun, Fukushima Prefecture
Sukagawa Summary Court	Sukagawa-machi, Iwase-gun, Fukushima Prefecture
Tanakura Summary Court	Tanakura-machi, Higashishirakawa-gun, Fukushima Prefecture
Wakamatsu Summary Court	Wakamatsu City (Fukushima Prefecture)
Kitakata Summary Court	Kitakata-machi, Yama-gun, Fukushima Prefecture
Tajima Summary Court	Tajima-machi, Minamiaizu-gun, Fukushima Prefecture
Taira Summary Court	Taira City
Fukushima-Tomioka Summary Court	Tomioka-machi, Futaba-gun, Fukushima Prefecture
Soma Summary Court	Nakamura-machi, Soma-gun, Fukushima Prefecture
Yamagata Summary Court	Yamagata City
Tateoka Summary Court	Tateoka-machi, Kitamurayama-gun, Yamagata Prefecture
Sagae Summary Court	Sagae-machi, Nishimurayama-gun, Yamagata Prefecture
Shinjo Summary Court	Shinjo-machi, Mogami-gun, Yamagata Prefecture
Yonezawa Summary Court	Yonezawa City
Nagai Summary Court	Nagai-machi, Nishioitama-gun, Yamagata Prefecture
Tsuruoka Summary Court	Tsuruoka City
Sakata Summary Court	Sakata City
Morioka Summary Court	Morioka City
Hanamaki Summary Court	Hanamaki-machi, Hionuki-gun, Iwate Prefecture
Ninoe Summary Court	Fukuoka-machi, Ninoe-gun, Iwate Prefecture
Kuji Summary Court	Kuji-machi, Kunoe-gun, Iwate Prefecture
Tono Summary Court	Tono-machi, Kamihei-gun, Iwate Prefecture
Kamaishi Summary Court	Kamaishi City
Sakari Summary Court	Sakari-machi, Kesen-gun, Iwate Prefecture
Miyako Summary Court	Miyako City
Iwaizumi Summary Court	Iwaizumi-machi, Shimohei-gun, Iwate Prefecture
Ichinoseki Summary Court	Ichinoseki-machi, Nishiiwai-gun, Iwate Prefecture

Name	Locality
Mizusawa Summary Court	Mizusawa-machi, Isawa-gun, Iwate Prefecture
Akita Summary Court	Akita City
Funakawaminato Summary Court	Funakawaminato-machi, Minami-akita gun, Akita Prefecture
Noshiro Summary Court	Noshiro City
Honjo Summary Court	Honjo-machi, Yuri-gun, Akita Prefecture
Odate Summary Court	Odate-machi, Kitaakita-gun, Akita Prefecture
Hanawa Summary Court	Hanawa-machi, Kazuno-gun, Akita Prefecture
Yokote Summary Court	Yokote-machi, Hiraga-gun, Akita Prefecture
Yuzawa Summary Court	Yuzawa-machi, Okatsu-gun, Akita Prefecture
Omagari Summary Court	Omagari-machi, Senpoku-gun, Akita Prefecture
Kakunotate Summary Court	Kakunotate-machi, Senpoku-gun, Akita Prefecture
Aomori Summary Court	Aomori City
Kanita Summary Court	Kanita-machi, Higashitsugaru-gun, Aomori Prefecture
Ominato Summary Court	Ominato-machi, Shimokita-gun, Aomori Prefecture
Noheji Summary Court	Noheji-machi, Kamikita-gun, Aomori Prefecture
Goshokawara Summary Court	Goshokawara-machi, Kitatsugaru-gun, Aomori Prefecture
Hirosaki Summary Court	Hirosaki City
Ajikasawa Summary Court	Ajikasawa-machi, Nishitsugaru-gun, Aomori Prefecture
Hachinoe Summary Court	Hachinoe City
Sanbongi Summary Court	Sanbongi-machi, Kamikita-gun, Aomori Prefecture
Sapporo Summary Court	Sapporo City
Iwamizawa Summary Court	Iwamizawa City
Yubari Summary Court	Yubari City
Takikawa Summary Court	Takikawa-machi, Sorachi-gun, Hokkaido
Muroran Summary Court	Muroran City
Date Summary Court	Date-machi, Usu-gun, Hokkaido
Tomakomai Summary Court	Tomakomai-machi, Yufutsu gun, Hokkaido
Urakawa Summary Court	Urakawa-machi, Urakawa-gun, Hokkaido
Shizunai Summary Court	Shizunai-machi, Shizunai-gun, Hokkaido
Otaru Summary Court	Otaru City
Iwanai Summary Court	Iwanai-machi, Iwanai-gun, Hokkaido
Kutchan Summary Court	Kutchan-machi, Abuta-gun, Hokkaido
Hakodate Summary Court	Hakodate City
Kikonai Summary Court	Kikonai-machi, Kamiiso-gun, Hokkaido
Matsumae Summary Court	Matsumae-machi, Matsumae-gun, Hokkaido
Mori Summary Court	Mori-machi, Kayabe-gun, Hokkaido
Yakumo Summary Court	Yakumo-machi, Yamakoshi-gun, Hokkaido
Setana Summary Court	Setana-machi, Setana-gun, Hokkaido
Esashi Summary Court	Esashi machi, Hiyama-gun, Hokkaido
Suttsu Summary Court	Suttsu machi, Suttsu gun, Hokkaido
Asahikawa Summary Court	Asahikawa City
Ishikari-Fukagawa Summary Court	Fukagawa-machi, Uryu-gun, Hokkaido
Furano Summary Court	Furano-machi, Sorachi-gun, Hokkaido
Nayoro Summary Court	Nayoro-machi, Kamikawa-gun, Hokkaido
Shibetsu Summary Court	Shibetsu-machi, Kamikawa-gun, Hokkaido
Monbetsu Summary Court	Monbetsu-machi, Monbetsu-gun, Hokkaido
Nakatonbetsu Summary Court	Nakatonbetsu-machi, Esashi-gun, Hokkaido
Rumoe Summary Court	Rumoe-machi, Rumoe-gun, Hokkaido
Haboro Summary Court	Haboro-machi, Tomamae-gun, Hokkaido
Wakkanai Summary Court	Wakkanai-machi, Soya-gun, Hokkaido
Teshio Summary Court	Teshio-machi, Teshio-gun, Hokkaido
Kushiro Summary Court	Kushiro City
Atsukeshi Summary Court	Atsukeshi-machi, Atsukeshi-gun, Hokkaido
Obihiro Summary Court	Obihiro City
Tokachi-Ikeda Summary Court	Ikeda-machi, Nakagawa-gun, Hokkaido
Honbetsu Summary Court	Honbetsu-machi, Nakagawa-gun, Hokkaido
Hiroo Summary Court	Hiroo-machi, Hiroo-gun, Hokkaido
Abashiri Summary Court	Abashiri City
Bihoro Summary Court	Bihoro-machi, Abashiri-gun, Hokkaido
Shari Summary Court	Shari-machi, Shari-gun, Hokkaido
Kitami Summary Court	Kitami City
Engaru Summary Court	Engaru-machi, Monbetsu-gun, Hokkaido
Nemuro Summary Court	Nemuro-machi, Nemuro-gun, Hokkaido
Shibetsu Summary Court	Shibetsu-mura, Shibetsu-gun, Hokkaido
Takamatsu Summary Court	Takamatsu City
Hirai Summary Court	Hirai-machi, Kida-gun, Kagawa Prefecture
Sanbonmatsu Summary Court	Sanbonmatsu-machi, Okawa-gun, Kagawa Prefecture
Takinomiya Summary Court	Takinomiya-mura, Ayauta-gun, Kagawa Prefecture
Tonosho Summary Court	Tonosho-machi, Shodo-gun, Kagawa Prefecture
Marugame Summary Court	Marugame City
Zentsuji Summary Court	Zentsuji-machi, Nakatado-gun, Kagawa Prefecture
Kannonji Summary Court	Kannonji-machi, Mitoyo-gun, Kagawa Prefecture
Tokushima Summary Court	Tokushima City
Tokushima-Tomioka Summary Court	Tomioka-machi, Naka-gun, Tokushima Prefecture
Mugi Summary Court	Mugi-machi, Kaibu-gun, Tokushima Prefecture
Wakimachi Summary Court	Waki-machi, Mima-gun, Tokushima Prefecture
Tokushima-Ikeda Summary Court	Ikeda-machi, Miyoshi-gun, Tokushima Prefecture
Kawashima Summary Court	Kawashima-machi, Oe-gun, Tokushima Prefecture

Name	Locality
Kochi Summary Court.........	Kochi City
Motoyama Summary Court....	Motoyama-machi, Nagaoka-gun, Kochi Prefecture
Akaoka Summary Court.....	Akaoka-machi, Kami-gun, Kochi Prefecture
Susaki Summary Court........	Susaki-machi, Takaoka-gun, Kochi Prefecture
Kubokawa Summary Court....	Kubokawa-machi, Takaoka-gun, Kochi Prefecture
Aki Summary Court...........	Aki-machi, Aki-gun, Kochi Prefecture
Nakamura Summary Court	Nakamura-machi, Hata-gun, Kochi Prefecture
Sukumo Summary Court.......	Sukumo-machi, Hata-gun, Kochi Prefecture

Name	Locality
Matsuyama Summary Court....	Matsuyama City
Kuma Summary Court.........	Kuma-machi, Kamiukena-gun, Ehime Prefecture
Ozu Summary Court......	Ozu-machi, Kita-gun, Ehime Prefecture
Yawatahama Summary Court...	Yawatahama City
Saijo Summary Court..........	Saijo City
Ehime-Mishima Summary Court	Mishima-machi, Uma-gun, Ehime Prefecture
Imabari Summary Court.......	Imabari City
Uwajima Summary Court......	Uwajima City
Nomura Summary Court.......	Nomura-machi, Higashiuwa-gun, Ehime Prefecture
Johen Summary Court.........	Johen-machi, Minamiuwa-gun, Ehime Prefecture

Table No 4

High Court	District Court	Summary Court	District of jurisdiction
Tokyo	Tokyo	Tokyo	In Tokyo Metropolis Chiyoda ku Chuō-ku Minato-ku Bunkyo-ku
		Shinjuku	In Tokyo Metropolis Shinjuku-ku
		Daito	In Tokyo Metropolis Daito-ku
		Sumida	In Tokyo Metropolis Sumida-ku Kōto ku
		Shinagawa	In Tokyo Metropolis Shinagawa-ku Ōta-ku
		Shibuya	In Tokyo Metropolis Shibuya-ku Meguro-ku Setagaya-ku
		Tokyo-Nakano	In Tokyo Metropolis Nakano-ku Suginami-ku
		Toshima	In Tokyo Metropolis Toshima-ku Itabashi ku
		Tokyo-Kita	In Tokyo Metropolis Kita ku Arakawa ku
		Adachi	In Tokyo Metropolis Adachi-ku
		Katsushika	In Tokyo Metropolis Katsushika ku
		Edogawa	In Tokyo Metropolis Edogawa-ku
		Hachijojima	In Tokyo Metropolis Hachijojima
		Izu-Oshima	In Tokyo Metropolis In Oshima Moto-mura Okada-mura Senzu-mura, Nomasu-mura, Sashikichi-mura, Habuminato-mura, Toshima-mura
		Niijima	In Tokyo Metropolis In Oshima Niijima Hon-mura, Niijima Wakago-mura, Kōtsushima-mura In Miyakejima Miyake-mura, Ako-mura, Tsubota-mura, Mikurajima-mura
		Hachioji	In Tokyo Metropolis *Hachioji City, Minamitama gun*
		Tachikawa	In Tokyo Metropolis Tachikawa City In Kitatama gun Showa-machi, Haijima-mura, Sunakawa mura, Murayama-mura, Yamato-mura, Yaho-mura, Nishifu-mura, Fuchu-machi, Kokubunji-machi Jindai-mura, Komae-mura, Chofu-machi, Tama-mura
		Musashino	In Tokyo Metropolis In Kitatama gun Musashino-machi, Mitaka-machi, Koganei-machi, Tanashi-machi, Higashi-murayama-machi, Kiyose-mura, Kurume mura, Hoya mura, Kodaira-mura
		Ōme	In Tokyo Metropolis In Nishitama gun Ōme-machi, Mizuho-mura, Fussa machi, Nishitama-mura, Kasumi-mura, Osogi-mura, Nariki-mura, Chofu-mura, Yoshino-mura, Mita mura, Furusato-mura, Hikawa-machi, Kokochi-mura
		Itsukaichi	In Tokyo Metropolis In Nishitama-gun Itsukaichi-machi, Tasai-mura, Higashiakiru-mura, Hirai-mura, Masuko-mura, Ōkuno-mura, Tokura-mura, Komiya-mura, Hinokihara-mura, Nishiakiru-mura
	Yokohama	Yokohama	In Kanagawa Prefecture In Yokohama City Naka ku
		Kanagawa	In Kanagawa Prefecture In Yokohama City Tsurumi-ku, Kanagawa ku, Kohoku-ku
		Yokohama Nishi	In Kanagawa Prefecture In Yokohama City Nishi-ku, Hodogawa ku
		Yokohama-Minami	In Kanagawa Prefecture In Yokohama City Minami ku, Isoko-ku
		Kawasaki	In Kanagawa Prefecture Kawasaki City
		Kamakura	In Kanagawa Prefecture Kamakura City, Kamakura gun, Katase, Enoshima, Fujisawa City In Yokohama City Totsuka ku
			In Kanagawa Prefecture

High Court	District Court	Summary Court	District of jurisdiction
		Fujisawa	Fujisawa City (except Katase and Enoshima) In Koza-gun Koide-mura, Shigasaki-machi, Samukawa-machi, Goshomi-mura, Arima-mura, Yamato-machi, Ebina-machi, Ayase-machi, Shibuya-machi
		Sagamihara	In Kanagawa Prefecture In Koza-gun Sagamihara-machi
		Kanagawa-Nakano	In Kanagawa Prefecture Tsukui-gun
		Yokosuka	In Kanagawa Prefecture Yokosuka City (except Nagai-machi), In Miura-gun, Hayama-machi
		Misaki	In Kanagawa Prefecture Nagai-machi, Yokosuka City In Miura-gun, Misaki-machi, Minamishitaura-machi, Hatsuse-mura
		Hiratsuka	In Kanagawa Prefecture Hiratsuka City In Naka-gun, Ōno-machi, Kaneda-mura, Kaname-mura, Toyoda-mura, Ōiso-machi, Kokufu-mura, Ninomiya-machi, Tsuchisawa-mura, Asahi-mura
		Odawara	In Kanagawa Prefecture Odawara City Ashigarakami-gun, Ashigarashimo-gun In Naka-gun Hatano-machi, Higashihatano-mura, Kitahatano-mura, Nishihatano-mura, Minamihatano-mura, Ōne-machi
		Atsugi	In Kanagawa Prefecture Aiko-gun, In Naka-gun, Kamita-mura, Kijima-mura, Okazaki-mura, Ōta-mura, Isehara-machi, Naruse-mura, Takabeya-mura, Hibita-mura, Aikawa-mura, Ōyama-machi
	Urawa	Urawa	In Saitama Prefecture Urawa City In Kitaadachi-gun, Tsuchiai-mura, Misasa-mura, Toda-machi, Warabi-machi, Yono-machi, Ōkubo-mura, Shiki-machi, Ōwada-machi, Asaka-machi, Yamato-machi, Katayama-mura
		Kawaguchi	In Saitama Prefecture Kawaguchi City In Kitaadachi-gun Yatsuka-machi, Sōka-machi, Shinden-mura, Angyo-mura, Totsuka-mura, Daimon-mura, Noda-mura
		Ōmiya	In Saitama Prefecture Omiya City In Kitaadachi-gun Haraichi-machi, Ageo-machi, Mamiya-mura, Sashiogi-mura, Katayanagi-mura, Haruoka-mura, Ōya-mura, Nanasato-mura, Hirakata-machi, Ōishi-mura, Uemizu-mura, Ina-mura, Konosu-machi, Kitamotojuku-mura, Mamuro-mura, Zyoko-mura, Tamamiya-mura, Minoda-mura, Koya-mura, Fukiage-machi, Okegawa-machi, Kano-mura, Kawataya-mura, Kamihira-mura In Kitasaitama-gun Kasahara-mura In Minamisaitama-gun Iwatsuki-machi, Kasukabe-machi, Kashiwazaki-mura, Wado-mura, Kawadōri-mura, Niiwa-mura, Jionji-mura, Kurohama-mura, Kawai-mura Hasuda-machi, Joyo-haru-mura, Tadetato-mura
		Kuki	In Saitama Prefecture In Minamisaitama-gun Kuki-machi, Shobu-machi, Washimiya-machi, Ōta-mura, Ezura-mura, Kiyoku-mura, Sanga-mura, Hirano-mura, Ōyama-mura, Kayama-mura, Kobayashi-mura, Shinozu-mura, Hikatsu-mura In Kitakatsushika-gun Satte-machi, Kurihashi-machi, Sakurada-mura, Miyuki-mura, Kamitakano-mura, Gongendo-gawa-mura, Yoshido-mura In Kitasaitama-gun Kazo-machi, Kisai-machi, Shitami-mura, Raiha-mura, Fudooka-machi, Hiyarigawa-mura, Ōgoe-mura, Toshima-mura, Kawabe-mura, Higashi-mura, Haramichi-mura, Genwa-mura, Toyono-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Mitsumata-mura, Ōkuwa-mura, Mizufuka-mura, Tanadare-mura, Koguki-mura, Takayanagi-mura, Tagatani-mura
		Koshigaya	In Saitama Prefecture In Minamisaitama-gun Koshigaya-machi, Osawa-machi, Gamō-mura, Dewa-mura, Mashibayashi-mura, Nigata-mura, Osagami-mura, Sakurai-mura, Ōfukuro-mura, Ogishima-mura, Shiodome-mura, Yahata-mura, Hachijo-mura, Kawayagi-mura, Momoma-mura, Suga-mura In Kitakatsushika-gun Yoshikawa-machi, Niwanoe, mura, Hikonari-mura, Wasedamura, Asahi-mura, Towa-mura, Matsuhushiryo-mura, Kanasugi-mura, Sugido-machi, Tamiya-mura, Teigo-mura, Takano-mura, Komatsu-mura, Toyono-mura, Tovono-mura, Hojubana mura, Sakurai-mura, Tomita-mura, Minamisakurai-mura, Kawabe-mura, Yashiro-mura, Toyooka-mura
		Kawagoe	In Saitama Prefecture Kawagoe City In Iruma-gun Sakado-machi, Yamada-mura, Miyoshino-mura, Yoshino-mura, Furuya-mura, Ōhigashi-mura, Minamifuruya-mura, Okutomi-mura, Fukuhara mura, Takashina-mura, Oi mura, Tsuruse-mura, Nanbata-mura, Fukuoka-mura, Naguwashi-mura, Kasumigaseki-mura, Kashihara-mura, Suguro-mura, Tsurugashima-mura, Tokorozawa-machi, Toyooka-machi, Irumagawa-machi, Miyoshi-mura, Horikane-mura, Iruma-mura, Mikajima-mura, Yanase-mura, Higashikaneko-mura, Kaneko-mura, Fujisawa mura, Miyadera-mura Motosayama mura
		Hanno	In Saitama Prefecture In Iruma-gun Hanno-machi, Takahagi-mura, Komagawa mura Koma-mura, Higashiagano-mura, Harachiba-mura, Mizutomi-mura, Naguri-mura, Agano-mura Ogoze-machi,

High Court	District Court	Summary Court	District of jurisdiction
			Umezono-mura, Moroyama-machi, Kawakano-mura, Niisai mura, Oya-mura In Hiki-gun Kamei mura, Imajuku-mura
		Kumagaya	In Saitama Prefecture Kumagaya City In Osato-gun Misho-mura, Yoshika-mura, Yoshimi-mura, Ichida-mura, Nara mura, Mijiri-mura, Ohara-mura, Menuma-machi, Onuma mura, Ota-mura, Beppu-mura, Nagai-mura, Hata-mura, Takegawa-mura In Kitasaitama-gun Chujo-mura, Oshi-machi, Minamikawahara-mura, Kitakawahara-mura, Hoshimiya-mura, Ōi-mura, Shimooshi-mura, Araki-mura, Suka-mura, Ota-mura, Saitama-mura, Kusu-mura, Hirota-mura, Kyowa-mura, Hanyu-machi, Sukage-mura, Iwase-mura, Kawamata-mura, Izumi-mura, Mitagaya-mura, Murakimi-mura, Shingo-mura, Takobayashi-mura,
		Ogawa	In Saitama Prefecture In Hiki-gun Ogawa-machi, Nanasato-mura, Yawada-mura, Takezawa-mura, Okawa-mura, Taira-mura, Myokaku mura, Tanagawa-mura, Sugaya-mura, Matsuyama-machi, Ooka-mura, Fukuta-mura, Miyamae-mura, Karako-mura, Takasaka-mura, Nomoto-mura, Nakayama mura, Ikusa-mura, Demaru-mura, Mihonaya mura, Yatsuho-mura, Omino-mura, Higashiyoshimi-mura, Nishiyoshimi mura, Minamiyoshimi-mura, Kitayoshimi-mura In Chichibu-gun Oouki-mura, Tsukikawa-mura, Okawara-mura In Ōsato-gun Yorii-machi, Hanazono-mura, Yodō-mura, Obusuma-mura, Orihara-mura, Hachigata-mura, Honbatake mura
		Honjo	In Saitama Prefecture Kodama gun In Chichibu-gun Yano-mura In Ōsato-gun Fukaya-machi, Fujisawa

High Court	District Court	Summary Court	District of jurisdiction
			mura, Okabe-mura, Oyori-mura, Yatsumoto-mura, Shinkai-mura, Nakase-mura, Hongo-mura, Hatara-mura, Akedo-mura, Hanzawa-mura
		Chichibu	In Saitama Prefecture In Chichibu-gun Chichibu-machi, Ōtaki-mura, Arakawa-mura, Urayama-mura, Kagemori-mura, Yokose-mura, Odamaki-mura, Haraya-mura, Takashino-mura, Ashigakubo-mura, Minano-machi, Misawa-mura, Ōta-mura, Kunigami-mura, Hinosawa-mura, Kanazawa-mura, Nogami-machi, Kuna-mura, Okano-machi, Kamiyoshida-mura, Yoshida-machi, Nagawaka-mura, Kurao-mura, Ryogami-mura, Mitagawa-mura
	Chiba	Chiba	In Chiba Prefecture Chiba City Ichihara-gun In Chiba-gun Mukuhari-machi, Oyuhama-machi, Shiina-mura, Honda-mura, Shirai-mura, Sarashina-mura, Kotehashi-mura
		Sakura	In Chiba Prefecture Imba-gun
		Ōhara	In Chiba Prefecture Isumi-gun
		Chiba-Ichinomiya	In Chiba Prefecture Chōsei-gun
		Matsudo	In Chiba Prefecture Matsudo City In Higashikatsushika-gun Abiko-machi, Kashiwa-machi, Kogane-machi, Nagareyama-machi, Tsuchi-mura, Kazahaya-mura, Tanaka-mura, Kohoku-mura, Fuse-mura, Tega-mura, Yagi-mura, Noda-machi, Asahi-mura, Nanafuku-mura, Kawama-mura, Sekiyado-machi, Futakawa-mura, Kimagase-mura, Fukuda-mura, Umesato-mura, Shinkawa-mura, Fusa-machi
		Ichikawa	In Chiba Prefecture Ichikawa City, Funabashi City In Higashikatsushika-gun Urayasu-machi, Gyotoku-machi, Minamigyotoku-machi, Okashiwa-mura, Kamagaya-mura

High Court	District Court	Summary Court	District of jurisdiction
			In Chiba-gun Tsudanuma-machi, Ninomiya-machi, Ōwada-machi, Toyotomi-mura, Mutsumi-mura
		Kisarazu	In Chiba Prefecture Kisarazu City Kimizu-gun
		Tateyama	In Chiba Prefecture Tateyama City Awa-gun
		Chosi	In Chiba Prefecture Choshi City, Unagami-gun
		Tōgane	In Chiba Prefecture In Sanbu-gun Tōgane-machi, Shirosato-machi, Toyomi-machi, Katami-machi, Takahira-mura, Minamoto-mura, Okeyama-mura, Toyonari-mura, Fukuoka-mura, Masaki-mura, Naruhama-mura, Oami-machi, Toke-machi, Yamato-mura, Yamabe-mura, Mizuho-mura, Masuho-mura, Naruto-machi, Matsuo-machi, Mutsuoka-mura, Otomi-mura, Hiuga-mura, Nango-mura, Midoriumi-mura, Hasunuma-mura, Ohira-mura
		Yokaichiba	In Chiba Prefecture Isosa-gun In Katori-gun Tako-machi, Yoshida-mura, Toyowa-mura, Tojo-mura, Iitaka-mura, Tokiwa-mura, Hiyoshi-mura, Naka-mura, Kuga-mura In Sanbu-gun Yokaichiba-machi, Toyooka-mura, Kamisakai-mura, Chiyoda-mura, Ōfusa-mura, Futakawa-mura
		Sawara	In Chiba Prefecture In Katori-gun Sawara-machi, Kurimoto-machi, Namekawa-machi, Kanzaki-machi, Tsunomiya-mura, Kasai-mura, Osuga-mura, Shoei-mura, Mizuho-mura, Komikado-mura, Takaoka-mura, Yonesawa-mura, Ōkura-mura, Higashiōdo-mura, Shinshima-mura, Katori-machi, Nakawa-mura, Kozyo-mura, Kamikawa-machi, Fuma-machi, Yamakura-mura, Toyoura-mura, Kamisato-mura, Yatsu-mura, Moriyama-mura, Yoshifumi-mura, Sasagawa-machi, Ta-

High Court	District Court	Summary Court	District of jurisdiction
			chibana-mura, Toyosato-mura, Banzai-mura, Kajiro-mura
	Mito	Mito	In Ibaragi Prefecture Mito City, Higashiibaragi-gun In Naka-gun Nakaminato-machi, Hiraiso-machi, Katsuta-machi, Maewatari-mura, Sugaya-machi, Sano-mura, Muramatsu-mura, Ishigami-mura, Kanzaki-mura, Nukada-mura, Godai-mura, Yanagawa-mura, Kumita-mura, Toda-mura, Yoshino-mura, Kizaki-mura, Urizura-machi
		Kasama	In Ibaragi Prefecture Nishiibaragi-gun
		Hitachi	In Ibaragi Prefecture Hitachi City Taga-gun
		Ibaragi-Ōta	In Ibaragi Prefecture In Kuji-gun Ota-machi, Kuji-machi, Sakamoto-mura, Higashi-ozawa mura, Nishiozawa-mura, Sakiku-mura, Satake-mura, Gudo-mura, Kume-*mura*, *Kingo-mura*, Seki-mura, Kanasa-mura, Tegano-mura, Takakura-mura, Somewada-mura, Yamada-mura, Honda-mura, Sato-mura, Kauchi-mura, Kami-mura, Osato-mura, Hata-some-mura, Seya-mura, Nakasato-mura In Naka-gun Omiya-machi, Ōba mura, Kamino-mura, Ōga-mura, Tamagawa-mura, Shioda-mura, Yamagata-mura, Hizawa-mura, Ose-mura, Noguchi-mura, Nagakura-mura, Yasato-mura, Ryugo-mura, Shizu-mura
		Daigo	In Ibaragi Prefecture In Kuji-gun Daigo-machi, Miyakawa-mura, Kurosawa-mura, Yorikami-mura, Sawara-mura, Namise-mura, Fukuroda-mura, Kamiogawa-mura, Shimoogawa-mura, Morotono-mura
			In Ibaragi Prefecture Tsuchiura City In Niihari-gun Kamiotsu-mura, Shimoōtsu mura Ushiwatari-mura

High Court	District Court	Summary Court	District of jurisdiction
		Tsuchiura	Saga-mura, Anjiki-mura, Shishikura-mura, Nanae-mura, Towa-mura, Fujisawa-mura, Torida-mura, Sakae-mura, Kokonoe-mura, Kurihara-mura, Yamanosho-mura, Minami-mura In Inashiki-gun Kimihara-mura, Funeshima-mura, Ami-machi, Asahi-mura In Tsukuba-gun Yatabe-machi, Kobari-mura, Itabashi-mura, Koga-mura, Mishima-mura, Yaita-mura, Mase-mura, Yutaka-mura, Shimama-mura, Fukuoka-mura, Kamigo-mura, Katsuragi-mura, Onogawa-mura, Hojo-machi, Tsuba-machi, Tamiyama-mura, Tsukurioka-mura, Sugama-mura, Taiho-mura, Tai-mura, Asahi-mura, Oda mura, Yoshinuma-mura, Takasai mura
		Ishioka	In Ibaragi Prefecture In Nishiari gun Ishioka machi, Takahama-machi, Kakioka-machi, Ta-amai-mura, Sonobe-mura, Kawarae-mura, Hayashi-mura, Koise-mura, Ashiho-mura, Tamagawa-mura, Obata mura, Niihara-mura, Shizuku-mura, Ozakura-mura, Sekikawa-mura, Mi-mura
		Ryugasaki	In Ibaragi Prefecture In Inashiki gun Ryugasaki machi, Ōmiya-mura, Namaita-mura, Mizuho-mura, Nemoto-mura, Nagato-mura, Yahara-mura, Nareshiba mura, Okuno-mura, Ushiku-mura, Kukizuki-mura, Okada-mura, Edozaki-machi, Kimiga-mura, Numasato-mura, Ōta-mura, Takeda-mura, Ouga-mura, Izaki mura, Awa-mura, Futto-mura, Ukishima-mura, Kanoetsu-mura, Toyoshima-mura Shibazaki-mura, Moto-shinjima-mura, Hatozaki-mura, Kihara mura, Anjo-mura
			In Ibaragi Prefecture In Kitasoma gun Toride-machi, Terahara-mura, Sanno-mura, Soma-machi, Takai-mura, Inadoi-mura Koya mura Moriya-

High Court	District Court	Summary Court	District of jurisdiction
		Torite	machi, Ono-mura, Oizawa-mura, Rokugo-mura, Onouma-mura, Takasu-mura, Kawarashiro-mura, Kitamonma-mura, Monma-mura, Fumi-mura, Higashimonma-mura, Fukawa-machi
		Asō	In Ibaragi Prefecture Namekata-gun In Kashima-gun Kashima-machi, Nakano-mura, Namino-mura, Toyosato-mura, Toyotsu-mura, Takamatsu-mura, Ikisu-mura, Karuno-mura, Wakamatsu-mura, Yatabe-mura, Namisaki-mura
		Hokoda	In Ibaragi Prefecture In Kashima-gun Hokoda-machi, Oya-mura, Numasaki-mura, Tomoe-mura, Tokushuku-mura, Suwa-mura, Natsumi-mura, Shingu-mura, Kamishima-mura, Shiratori-mura, Daido-mura
		Shimozuma	In Ibaragi Prefecture In Makabe-gun Shimozuma-machi, Kawanishi-mura, Kamitsuma-mura, Daiho-mura, Tobanoe-mura In Yuki-gun Ishige-machi, Shimoyuki-mura, Ansoi-mura, Ogata-mura, Okada-mura, Iinuma-mura, Nishitoyoda-mura, Toyokami-mura, Fusakami-mura, Sōdo-mura, Kokai-mura, Toyoda-mura, Tama-mura, Mizukaido-machi, Ohanawa-mura, Goka-mura, Mitsuma-mura, Ofu-mura, Sugahara-mura, Toyooka-mura In Tsukuba-gun Tanihara-mura, Jikkawa-mura In Kitasoma-gun Kokinu-mura, Uchimoriya-mura, Sakade-mura, Sugafu-mura
		Shimodate	In Ibaragi Prefecture In Makabe-gun Shimodate-machi, Seki-moto-machi, Kaai-mura, Naka-mura, Gosho-mura, Isa-mura, Ota-mura, Kokai-mura, Kōchi-mura, Kuroko-mura, Kataozaki-mura, Murata-mura, Furusato-mura, Niihari-mura, Oguri-mura, Takajima-mura, Makabe-machi, Ueno-mura, O-mura, Nagasa-mura, Yagai-mura, Shio-mura, Toba-mura, Kabaho-mura, Amabiki-mura, Okuni-mura In Yūki-gun Yūki-machi, Kinukawa-mura, Kamiyamakawa-mura, Ekawa-mura, Yamakawa-mura, Nakayūki-mura, Nazaki-mura
		Koga	In Ibaragi Prefecture Sashima-gun
	Utsunomiya	Utsunomiya	In Tochigi Prefecture Utsunomiya City In Kawachi-gun Kinujima-mura, Tahara-mura, Toyosato-mura, Furusato-mura, Yokokawa-mura, Mizuhono-mura, Suzumenomiya-mura, Sugatagawa-mura, Shiroyama-mura, Kunimoto-mura, Tomiya-mura, Shinono-mura, Hiraishi-mura, Haguro-mura, Kamiminokawa-machi, Hongo-mura, Yoshida-mura, Yakushiji-mura, Meiji-mura In Kamitsuga-gun Kanuma-machi, Kikusawa-mura, Kitaoshihara-mura, Minamioshihara-mura, Nanma-mura, Itaga-mura, Higashioashi-mura, Kaso-mura, Nishioashi-mura, Okosogawa-mura, Awano-machi, Nishikata-mura, Kiyosu-mura, Nagano-mura, Kasuo-mura, Manago-mura
		Nikko	In Tochigi Prefecture In Kamitsuga-gun Nikko-machi, Imaichi-machi, Ochiai-mura In Kawachi-gun Toyooka-mura, Osawa-mura, In Shioya-gun Kuriyama-mura, Fujihara-machi, Miyori-mura
		Maoka	In Tochigi Prefecture Haga-gun
			In Tochigi Prefecture In Nasu-gun Otawara-machi, Sakuyama-machi, Kaneda-mura, Chikasono-mura, Nishinasuno-machi, Karino-mura, Kawanishi-machi, Kurohane-machi, Yuzukami-mura, Su-

High Court	District Court	Summary Court	District of jurisdiction
		Otawara	kagawa-mura, Ryogo-mura, Iōno-mura, Kuroiso-machi, Ashino-machi, Nebekake-mura, Takabayashi-mura, Nasu mura, Higashinasuno-mura *In Shioya-gun* Shiobara-machi, Hokine-mura
		Yaita	In Tochigi Prefecture In Shioya-gun Yaita-machi, Izumi-mura, Tamaniu-mura, Kataoka-mura, Funiu-mura, Omiya-mura, Kitsuregawa-machi, Kitatakanezawa-mura, Niita-mura, Ujike-machi, Akutsu-mura
		Karasu-yama	In Tochigi Prefecture In Nasu-gun Karasuyama-machi, Bato-machi, Sakai-mura, Mukada-mura, Arakawa-mura, Shimoegawa-mura, Ogawa-machi, Nanasasa-mura, Mumo-mura, Ouchi-mura, Oyamada mura
		Tochigi	In Tochigi Prefecture Tochigi City Shimotsuga-gun
		Ashikaga	In Tochigi Prefecture Ashikaga City, Sano City, Ashikaga-gun, Aso-gun
		Ashio	In Tochigi Prefecture In Kamitsuga-gun Ashio-machi
	Maebashi	Maebashi	*In Gunma Prefecture* Maebashi City In Seta-gun Kamikawabuchi-mura, Shimokawabuchi-mura, Kise-mura, Minamitachibana mura, Fujimi-mura, Haga-mura, Kaikaya-mura, Ogo-machi, Miyagi-mura, Arato-mura, Kasukawa-mura, Yokono-mura, Kitatachibana-mura, Shikishima-mura *In Gunma-gun* Soja-machi, Motosoja-mura, Azuma-mura, Kokufu-mura, Shibukawa-machi, Toyoaki-mura, Furumaki-mura, Komayose-mura, Meiji-mura, Momonoi-mura, Ikaho-machi, Kanashima mura, Onokami-mura, Nagao-mura, Shirasatoi-mura
			In Gunma Prefecture

High Court	District Court	Summary Court	District of jurisdiction
		Takasaki	Takasaki City Usui gun In Gunma-gun Nakagawa-mura, Niitakao-mura, Orui-mura, Kanako-machi, Kuruma-mura, Iwahana-mura, Tsutsumigaoka-mura, Murota-machi, Kiyosato-mura, Kuragano-machi, Kamisato-mura, Minowa-machi, Kurata-mura, Kurumasato-mura, Nagano-mura, Kyogashima-mura, Sōma-mura, Takikawa-mura, Rokugo-mura In Kitakanra-gun Myogi-machi
		Gunma-Ota	In Gunma Prefecture *In Nitta-gun* Ota-machi, Hosen-mura, Yaburukahonchō Kizaki-machi, Ojima-machi, Ikushina-mura, Godo-mura In Yamada-gun Kerita-mura, Yabagawa-mura, Kyuhaku-mura
		Totebayashi	In Gunma Prefecture Ora gun
		Isezaki	In Gunma Prefecture Isezaki City, Sawa-gun In Nitta-gun Serata mura, Wasanchi-mura
		Kiryu	In Gunma Prefecture Kiryu City In Yamada gun Umeda-mura, Aioi-mura, Omama-machi, Kawauchi-mura, Fukuoka-mura In Seta-gun Niisato-mura, Kurohone-mura, Azuma mura In Nitta gun Kasakake-mura
		Numata	In Gunma Prefecture Tone gun
		Nakanojo	In Gunma Prefecture Azuma-gun
		Fujioka	In Gunma Prefecture Tano-gun
		Gunma-Tomioka	In Gunma Prefectue In Kitakanra-gun Tomioka-machi, Ichinomiya-machi, Fukushima-machi, Kuroiwa-mura, Takada-mura, Nifu-mura, Nakabe-mura, Obata-machi, Ono-mura, Niiya mura, Akibata-mura Takase mura Iwataira-

High Court	District Court	Summary Court	District of jurisdiction
			mura, Shimonita-machi, Yoshida-mura, Mayama-mura, Iwato-mura, Aokura-mura, Tsukigata-mura, Saimoku-mura
	Shizuoka	Shizuoka	In Shizuoka Prefecture Shizuoka City, Abe-gun
		Shimizu	In Shizuoka Prefecture Shimizu City, Ihara-gun
		Atami	In Shizuoka Prefecture Atami-City In Tagata-gun Aziro-machi, Ito-machi, Usami-mura, Omuro-mura, Tajima-mura
		Shizuoka-Mishima	In Shizuoka Prefecture Mishima City In Tagata-gun Nakazato-mura, Kannami-mura, Nirayama-mura, Ema-mura, Izunagaoka-machi, Uchiura-mura, Nishiura-mura, Shuzenji-machi, Ojin-machi, Kamikano-mura, Nakakano-mura, Shimokano mura, Kitakano-mura, Kamiomi-mura, Nakaomi-mura, Shimoomi-mura, Heda-mura, Dohi-machi, Saizu-mura
		Numazu	In Shizuoka Prefecture Numazu City, Sunto-gun
		Shimoda	In Shizuoka Prefecture Kamo-gun
		Yoshihara	In Shizuoka Prefecture Fujimiya City, Fuji-gun
		Shimada	In Shizuoka Prefecture Shida-gun, Haibara-gun
		Kakegawa	In Shizuoka Prefecture Ogasa-gun
		Hamamatsu	In Shizuoka Prefecture Hamamatsu City, Hamana-gun In Iwata-gun Iwata-machi, Kakezuka-machi, Imai-mura, Mitsukawa-mura, Hirose-mura, Iwata-mura, Tomioka-mura, Ikeda-mura, Idori-mura, Totsuka-mura, Mikuriya-mura, Minamimikuriya-mura, Ohono-mura, Fukuda-machi, Nagano-mura, Sodeura-mura, Ofuji-mura, Mukasa-mura, Tahara-mura, Toyohama-mura, Fukuroi-machi, Kunu-mura, Kami-

High Court	District Court	Summary Court	District of jurisdiction
			asaba-mura, Higashiasaba-mura, Nishiasaba-mura, Sachiura-mura
		Futamata	In Shizuoka Prefecture Suchi-gun, Inasa-gun In Iwata-gun Futamata-machi, Komyo-mura, Tatsukawa-mura, Kuma-mura, Kamiatago-mura, Shimoatago-mura, Shikichi-mura, Nobe-mura, Tatsuyama-mura, Urakawa-machi, Yamaka-mura, Sakuma-mura
	Kōfu	Kōfu	In Yamanashi Prefecture Kōfu City, Nishiyamanashi-gun, Higashiyatsushiro-gun In Nakakoma-gun Ryuō-mura, Tamahata-mura, Shikishima-machi, Ikeda-mura, Mutsusawa-mura, Kichisawa-mura, Kiyokawa-mura, Okamata-mura, Futakawa-mura, Inatsumi-mura, Snacho-mura, Showa-mura, Tatomi-mura, Miyamoto-mura, Mikage-mura, Tanooka-mura In Higashiyamanashi-gun Okabe-mura
		Hirasaki	In Yamanashi Prefecture Kitakoma-gun
		Ogasawara	In Yamanashi Prefecture In Nakakoma-gun Ogasawara-machi, Minamoto-mura, Iino-mura, Ashiyasu-mura, Hyakuta-mura, Toyono-mura, Zaikezuka-mura, Nishino-mura, Imasuwa-mura, Mie-mura, Kagaminakajo-mura, Tōda-mura, Sakaki-mura, Noose-mura, Ochiai-mura, Oi-mura, Gomyo-mura, Nango-mura, Hirabayashi-mura
		Kusakabe	In Yamanashi Prefecture In Higashiyamanashi-gun Kusakabe-machi, Kanōiwa-machi, Katsunuma-machi, Enzan-machi, Suwa-machi, Kasugai-mura, Yamanashi-mura, Yawata-mura, Iwate-mura, Nishiho-mura, Nakamaki-mura, Mitomi-mura, Matsusato-mura, Atoyashiki-mura, Hinokawa-mura, Yamato-mura, Hishiyama-mura, Shinonome-mura Okunoda-mura, Ofuji-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Kamigane-mura, Tamamiya-mura
		Kajikazawa	In Yamanashi Prefecture Minamikoma-gun, Nishiyatsushiro-gun (except Aza-Shojin and Motosu Kamikuishiki-mura)
		Yamura	In Yamanashi Prefecture In Minamitsuru-gun Yamura machi, Takara-mura, Kasei-mura, Morisato-mura, Akiyama-mura, Doshi mura, Higashikatsuura-mura, Nishikatsura-mura
		Otsuki	In Yamanashi Prefecture In Kitatsuri-gun Otsuki-machi, Sarubashi-machi, Sasako-mura, Hatsukari-mura, Nigioka-mura, Nanaho-mura, Temihama-mura, Ome mura, Yanagawa-mura
		Yoshida	*In Yamanashi Prefecture* In Minamitsuru-gun Fukuchi-mura, Shimoyoshida-machi, Asumi-mura, Oshino-mura, Nakano-mura, Funatsu-mura, Kodachi-mura, Katsuyama-mura, Oarashi-mura, Narusawa-mura, Nishihama-mura, Oishi-mura, Kawaguchi-mura, Aza Shojin and Motosu Kamikuishiki, Nishiyatsushiro-gun
		Uenohara	In Yamanashi Prefecture In Kitatsuru-gun Uenohara-machi, Kōto-mura, Iwao-mura, Otsuro-mura, Shimade-mura, Uzurihara-mura, Saihara-mura, Kosuga-mura, Tanbayama-mura
	Nagano	Nagano	In Nagano Prefecture Nagano City Kamiminochi-gun Kamitakai-gun In Sarashina-gun Ooka mura, Nobushina-mura, Hihara-mura, Makisato-mura, Kōfu mura, Inariyama-machi, Sarashina-mura, Yahata-mura, Kuwabara-mura, Shiozaki-mura, Senryu-mura, Nobuta-mura, Nakatsu-mura, Shinonoi-machi, Nobusato-mura, Kyowa mura, Mikuriya-mura Kawanakajima-mura, Inazato-mura, Aokijima mura, Oshimada mura, Nishiterao-mura Tofukuji-mura, Mashima-mura
		Iiyama	*In Nagano Prefecture* Shimominochi-gun Shimotakai-gun
		Yashiro	*In Nagano Prefecture* Hanishina gun In Sarashina-gun Murakami-mura, Chikaraishi-mura, Kamiyamada-mura
		Ueda	In Nagano Prefecture Ueda City, Chiisagata-gun In Kitasaku gun Kitamimaki-mura
		Iwamurata	In Nagano Prefecture Minamisaku-gun In Kitasaku-gun Iwamurata-machi, Goka mura, Hirane-mura, Mitsui-mura, Shiga mura, Takase-mura, Nakasato-mura Nakatsu mura, Miyota mura Komoro-machi, Karuizawa-machi, Mitsuoka mura Minamiōi mura, Konuma mura, Kitaōi-mura, Ozato-mura, Kawabe-mura, Motomaki mura, Gorobeishinden mura, Minamimimaki mura, Fuse-mura, Kasuga-mura, Kyowa-mura, Ashida mura, Yokotori-mura, Mitsuwa-mura
		Matsumoto	In Nagano Prefecture Matsumoto City, Higashichikuma-gun, Minamiazumi-gun
		Kiso-Fukushima	In Nagano Prefecture Nishichikuma gun
		Ōmachi	In Nagano Prefecture Kitaazumi-gun
		Suwa	*In Nagano Prefecture* Suwa City In Suwa gun Shimosuwa-machi, Nakasu mura, Konan-mura, Miyakawa mura, Simei mura, Tamagawa-mura, Hara-mura, Kanazawa-mura, Toyohira mura, Yonezawa mura, Kitayama-mura, Kohigashi-mura, Izu[illegible]-mura, Fujimi mura, O[illegible]-mura, Hongo-mura, [illegible]-mura
			In Nagano Prefecture

High Court	District Court	Summary Court	District of jurisdiction
		[illegible]	[illegible] City In [illegible]-gun Kawaguchi-mura, [illegible]-mura, [illegible]-mura
		[illegible]	In Niigata Prefecture [illegible] City [illegible]-gun
		[illegible]	In Niigata Prefecture [illegible]-gun
	Niigata	Niigata	In Niigata Prefecture Niigata City In Nakakanbara-gun [illegible]-mura, Kameda-machi, [illegible]-mura, Yokogoshi-mura, Ohyama-mura, In Nishikanbara-gun [illegible]-machi, [illegible]-mura, [illegible]-mura
		Niitsu	In Niigata Prefecture Higashikanbara-gun In Nakakanbara-gun Niitsu-machi, [illegible], [illegible], [illegible] [illegible]
		Maki	In Niigata Prefecture In Nishikanbara-gun Maki-machi, Iwamuro-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, Maki-mura, [illegible]-machi, Matsuzawa-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, [illegible]-mura, Kakuta-mura, [illegible]-mura, Nakano[illegible]-mura, Yoshida-machi, [illegible]-mura, [illegible]-mura
		Sanjo	In Niigata Prefecture Sanjo City In Minamikanbara-gun Ohshima-mura, Nagasawa-mura, Morimachi-mura, Kamoge-mura, Fukushima-mura, Osaki-mura, Honjo-mura, Iguri-mura, Kamo-machi, Gejo-mura, Takami-mura In Nishikanbara-gun Tsubame-machi, Matsunaga-mura, Koike-mura, Kozagawa-mura, Shimagami-mura, Kunigami-mura, Awafuwa-mura, Jizodo-machi, Koyoshi-mura In Nakakanbara-gun [illegible]-mura
		Shibata	In Niigata Prefecture Shibata City Kitakanbara-gun
		Murakami	In Niigata Prefecture Iwafune-gun
		Nagaoka	In Niigata Prefecture Nagaoka City, Koshi-gun In Nishikanbara-gun Mitsuke-machi, Ima-machi, Niigata-mura, Nakanoshima-mura, Kurosaki-mura, Ohmo-mura In Santo-gun Higashi-mura, Ogawa-mura, Sekihara-machi, Miyamoto-mura, Ozumi-mura, Shiozawa-mura, Hiroshi-mura, Kurokawa-mura, Wakino-machi, Kuishima-mura, Ota-mura, Yoita-machi, Teradomari-machi, Okawa-mura, Izumozaki-machi, Nishigoshi-mura, Shimajima-mura
		Ojiya	In Niigata Prefecture Kitauonuma-gun In Santo-gun Tsukayama-mura, Katakai-mura, Katsuji-mura, Iwatsuka-mura
		Tōka-machi	In Niigata Prefecture Nakauonuma-gun
		Kashiwa-zaki	In Niigata Prefecture Kashiwazaki City, Kariwa-gun
		Muika-machi	In Niigata Prefecture Minamiuonuma-gun
		Takada	In Niigata Prefecture Takada City In Nakakubiki-gun Kanaya-mura, Sango-mura Wada-mura, Shindo-mura, Tsuari-mura, Satoigimino-mura, Sugahara-mura, Kushiike-mura, Takashi mura, Uesugi-mura, Arai-machi, Mizukami-mura, Yashiro-mura, Torisaka-mura, Suibara-mura, Izumi-mura, Terano-mura, Seki-

High Court	District Court	Summary Court	District of jurisdiction
			yama-mura, Suginosawa-mura, Nakayama-mura, Nakago-mura, Haradori-mura, Toyoashi-mura, Ōshika-mura, Hiramaru-mura, Kamigo-mura, Hida-mura, Itakura-mura
		Naoetsu	In Niigata Prefecture Higashikubiki-gun In Nakakubiki-gun Naoetsu-machi, Kasuga-mura, Obuke-mura, Arita-mura, Katamachi-mura, Yachiho-mura, Tanihama-mura, Kuwatori-mura, Midamori-mura, Hokura-mura, Suwa-mura, Kakizaki-machi, Meiji-mura, Asahi-mura, Yoshikawa-mura, Minamoto-mura, Kuroiwa-mura, Kurokawa-mura, Yoneyama-mura, Kamiyoneyama-mura, Shimokurokawa-mura
		Itoigawa	In Niigata Prefecture Nishikubiki-gun
		Aikawa	In Niigata Prefecture Sado-gun
Ōsaka	Ōsaka	Ōsaka	In Ōsaka-fu In Ōsaka City Kita-ku, Fukushima-ku, Konohana-ku, Higashi-ku, Nishi-ku, Taishō-ku, Minato-ku, Tennōji-ku, Minami-ku, Naniwa-ku, Ōyodo-ku
		Miyakojima	In Ōsaka-fu In Ōsaka City Miyakojima-ku, Asahi-ku, Jōtō-ku
		Ikuno	In Ōsaka-fu In Ōsaka City Higashinari-ku, Ikuno-ku
		Higashi-yodogawa	In Ōsaka-fu In Ōsaka City Higashiyodogawa ku
		Nishiyodo-gawa	In Ōsaka-fu In Ōsaka City Nishiyodogawa-ku
		Nishinari	In Ōsaka-fu In Ōsaka City Sumiyoshi-ku, Nishinari ku
		Abeno	In Ōsaka-fu In Ōsaka City Abeno-ku, Higashisumiyoshi-ku

High Court	District Court	Summary Court	District of jurisdiction
			In Nakakawachi-gun Kami-mura, Tatsumi-mura
		Ōsaka-Ikeda	In Ōsaka-fu Ikeda City In Toyono-gun Todoromi-mura, Minoo-mura, Kayano-mura, Yoshikawa-mura, Higashinose-mura, Togo-mura, Utagaki-mura, Tajiri-mura, Nishinose-mura
		Toyonaka	In Ōsaka-fu Tonoyaka City In Toyono-gun Shonai-machi
		Suita	In Ōsaka-fu Suita City In Mishima-gun Ajifu-mura, Mashita-mura, Shinden-mura, Yamada-mura
		Ibaraki	In Osaka-fu Takatsuki City In Mishima-gun Ibaraki-machi, Tonda-machi, Mishima-mura, Miyake-mura, Ai-mura, Fukui-mura, Tamashima-mura, Kasuga-mura, Toyokawa-mura, Ishikawa-mura, Miyama-mura, Kiyotani-mura, Torikai-mura, Tamakushi-mura, Sandamaki-mura, Abuno-mura, Goryō-mura, Shimamoto mura
		Fuse	In Ōsaka-fu Fuse City In Nakakawachi-gun Yao-machi, Ryuge-machi, Hiraka-machi, Tatetsu-machi, Tamagawa-machi, Takayasu-mura, Minamitakayasu-mura, Kusaka-mura, Oto-mura, Nawate-mura, Minogo-mura, Akada-mura, Akekawa-mura, Wakae-mura, Nishigori mura, Kyuhoji-mura, Taisho-mura
		Hirakata	In Osaka-fu Moriguchi City, Kitakawachi-gun
			In Ōsaka-fu Sakai City In Senpoku-gun Takaishi machi, Fukuizumi-machi, Toroishi-mura, Kuse-mura, Higashitoki-mura, Niwatani-mura, Mikita mura, Nishitoki-mura

High Court	District Court	Summary Court	District of jurisdiction
			ku, Suma-ku, Tarumi-ku Mino-gun
		Nada	In Hyogo Prefecture In Kobe City Nada ku, Fukiai-ku In Muko-gun Mikage-machi, Uosaki-machi, Sumiyoshi-mura
		Nishinomiya	In Hyogo Prefecture Nishinomiya City, Ashiya City In Muko-gun *Motoyama-mura, Honzyo-mura*
		Takarazuka	In Hyogo Prefecture In Muko-gun Ryogen-mura In Kawabe-gun Kohama mura, Nagao-mura, Nakatani-mura, Tada-mura, Higashidani-mura, Matsu-nose-mura, Nishidani-mura In Arima-gun Shioze-mura
		Itami	In Hyogo Prefecture Itami City In Kawabe-gun Kawanishi machi
		Amagasaki	In Hyogo Prefecture Amagasaki City In Muko-gun, Narue-mura
		Sanda	In Hyogo Prefecture In Arima-gun Sanda-machi, Miwa machi, Dōjo-mura, Yamaguchi-mura, Hata-mura, Ozawa-mura, Nagao-mura, Ai-mura, Honzyo-mura, Nakano-mura, Ono-mura, Takahira mura, Kishi-mura
		Akashi	In Hyogo Prefecture Akashi City, Akashi-gun
		Sasayama	In Hyogo Prefecture Taki-gun
		Kaibara	In Hyogo Prefecture Hikami gun
		Himeji	*In Hyogo Prefecture* Himeji City Shikama-gun Kanzaki gun
		Kakogawa	In Hyogo Prefecture Kako-gun, Innan-gun
		Yashiro	In Hyogo Prefecture Kato-gun Taka gun Kasai-gun
		Tatsuno	In Hyogo Prefecture Ibo-gun, Sayo-gun
		Aioi	In Hyogo Prefecture Aioi City, Akaho-gun
		Yamazaki	In Hyogo Prefecture Shiso-gun
		Toyooka	In Hyogo Prefecture Izushi gun In Kinosaki-gun Toyooka-machi, Nitta-mura, *Gonosho-mura, Nasu mura*, Mishuku-mura, Nakasuji-mura, Uchikawa-mura, Kinosaki-machi, Minato-mura, Nakatakeno-mura, Takeno-mura, Okutakenoa mura, Hidaka-machi, Mikata-mura, Kiyotaki mura, Nishinoge-mura Kokufu-mura
		Wadayama	In Hyogo Prefecture Asago-gun In Yabu-gun Okura mura, Itoi mura
		Yaoka	In Hyogo Prefecture In Yabu gun Yaoka-machi, Hirotani machi, Yafu machi, Takino-ya-mura, Kuchioya mura, Oya-mura, Minamitani-mura, Nishitani-mura, Sekinomiya mura, Takayanagi-mura Isa mura, Shukunami mura In Mikata-gun Muraoka-machi, Usuka mura, Kumazuki-mura Iso-mura, Oziro-mura
		Hamasaki	In Hyogo Prefecture In Mikata gun *Hamasaka machi, Onsen* machi, Teragi-mura, Yatsuda-mura, Oba-mura, Nishihama-mura In Kinosaki gun Kuchisazu-mura, Okusazu mura, Kasumi machi, Nagai-mura, Amarube-mura
		Sumoto	In Hyogo Prefecture Sumoto City, Tsuna gun Mihara gun
	Nara	Nara	In Nara Prefecture Nara City, Ikoma gun In Soekami-gun Meizi-mura, Daianzi-mura, Tatsuichi-mura, Higashiichi-mura, Tahara-mura, Ichinomoto-machi,

High Court	District Court	Summary Court	District of jurisdiction
			mura, Negoro-mura, Yamazaki-mura, Ogura-mura, Ikeda-mura, Tanaka-mura, Arakawa-mura, Okuarakawa-mura, Marusu-mura, Nakakishi-mura, Nishikishi-mura, Higashikishi-mura, Chigatsuki-mura
		Kainan	In Wakayama Prefecture Kainan City In Kaiso-gun Yasuhara-mura, Kamokawa-mura, Tatsumi-mura, Jingi-mura, Shiozu-mura, Osaki-*mura, Hashifumi-mura*, Shimotsu-machi In Naka-gun Higashinogami-machi, Kitanogami-mura, Nakanogami-mura, Minaminogami-mura, Ogawa-mura, Kamikono-mura, Shimokono-mura, Hasekehare-mura, Sarukawa-mura, Makuni-mura, Hosono-mura, Shikano-mura
		Yuasa	In Wakayama Prefecture Arita-gun
		Myoji	In Wakayama Prefecture In Ito-gun Yooji-machi, Kadoyama-machi, Koyaguchi-machi, Shinoda mura, Shigo-mura, Kasada-machi, Otani-mura, *Miyoshi-mura, Oko-mura*, Haba-mura In Naka-gun Kokawa-machi, Nagata-mura, Ryumon-mura, Afuzu-mura, Oji-mura, Kaminato-mura, Nate-machi, Karishuku-mura, Kawara-mura, Tomoebuchi-mura
		Hashimoto	In Wakayama Prefecture In Ito-gun Hashimoto-machi, Suda-mura, Kimi mura, Yamada-mura, Kishikami-mura, Koino-mura, Kamuro-mura, Fuki mura, Kane-mura, Koya-machi, Hanazono-mura, Amano-mura
		Tanabe	In Wakayama Prefecture Tanabe City *In Nishimuro-gun* Inari-mura, Kamihaya-mura, Nakahaya mura, Akutsugawa-mura, Kamiakitsu-mura, Shimoakitsu-mura, Misu-mura, Maro-mura Nagano-mura, Aikawa-mura, Ichinose-mura, Iwata mura, Igoma-mura, Asatso-mura, Higashitonda-mura, Nishitonda-mura, Minamitonda-mura, Kitatonda-mura, Shirahama-machi, Shinjo-mura, Kurisugawa-mura, Futagawa-mura, Chikano-mura, Tomisato-mura, Mikawa-mura, Kawazoe-mura In Hidaka-gun Minabe-machi, Kamiminabe mura, Kiyokawa-mura, Takagi-mura, Iwashiro-mura, Kamisanji-mura, Nakasanji mura, Shimosanji-mura, Ryujin mura
		Susami	In Wakayama Prefecture In Nishimuro-gun Susami-machi, Otsuga-mura, *Hichi*-machi, Mimai-mura, Samoto-mura, Esumi-mura
		Kushimoto	In Wakayama Prefecture In Nishimuro-gun Kushimoto-machi, Shimoosaki-mura, Tanami-mura, *Arita-mura, Wafuku mura* In Higashimuro-gun Oshima-mura, Furuza-machi, Tahara-mura, Takase-machi, Myojin-mura, Kogawa-mura, Naoakawa-mura, Mitokawa-mura, Nishimukai-machi
		Gobō	In Wakayama Prefecture In Hitaka-gun Gobō-machi, Matsuhara mura, Wada-mura Mio-mura, Hizaki-mura, Shiga mura, Shirasaki-mura, Ena mura, Yura-mura, Uchihara mura Yukawa-mura, Fujita-mura, Noguchi mura, Yada-mura, Niu mura, Hayaso-mura, Funatsuki mura, Kawanaka-mura, Kawakami mura, Kiribe-mura, Kiribekawa-mura, Mazuma-mura, Inahara mura, Inami-machi, Nata-mura, Shioya mura, Sakawa-mura
		Shingū	In Wakayama Prefecture Shingu City In Higashimuro-gun *Ukui-mura, Katsuura machi*, Daichi machi, Shimosato-machi, Ota mura, Irokawa-mura, Nachi machi, Kokuchi-mura, Mitsuno-mura, Takada-mura Kitayama mura

High Court	District Court	Summary Court	District of jurisdiction
		Hongu	In Wakayama Prefecture In Higashimuro-gun Hongu-mura, Ukekawa-mura, Yo-mura, Misato-mura, Shikiya-mura, Kucho-mura, Tamaokikuchi-mura
Nagoya	Nagoya	Nagoya	In Aichi Prefecture In Nagoya City Higashi-ku, Naka-ku, Kita-ku, Nishi-ku, Atsuta-ku, Chigusa-ku In Aichi-gun Itaka-mura
		Nakagawa	In Aichi Prefecture In Nagoya City Nakagawa-ku, Nakamura-ku, Minato-ku
		Shōwa	In Aichi Prefecture In Nagoya City Showa-ku, Mizuho-ku, Minami-ku In Aichi-gun Tenpaku-mura, Nisshin-mura, Tōgo-mura, Narumi-machi, Toyoaki-mura
		Nishi-biwajima	In Aichi Prefecture Nishikasugai-gun
		Kasugai	In Aichi Prefecture Kasugai City In Higashikasugai-gun Moriyama-machi, Takakuraji-machi, Sakashita-machi, Komaki-machi, Ajioka-mura, Shinooka-mura
		Aichiseto	In Aichi Prefecture Seto City In Higashikasugai-gun Shinano-machi, Asahi-mura, Shitami-mura, Mizuno-mura In Aichi-gun Hatayama-mura, Nagakude-mura
		Tsushima	In Aichi Prefecture Tsushima City, Ama-gun
		Ichinomiya	In Aichi Prefecture Ichinomiya City Nakajima-gun, Haguri-gun
		Inuyama	In Aichi Prefecture Niwa-gun
		Handa	In Aichi Prefecture Handa City In Chita-gun Uchimi-machi, Kawa-machi, Morosaki-machi, Toyohama-machi, Taketoyo-machi, Fuki-mura, Kosuzuya-mura, Akuhi-mura, Higashiura-mura, Shinozima-mura, Himagashima-mura, Noma-machi
		Aichi-Yokosuka	In Aichi Prefecture In Chita-gun Yokosuka-machi, Okada-machi, Ono-machi Yawata-machi, Tokoname-machi, Nishiura-machi, Obu-machi, Ueno-machi, Miwa-mura, Asahi-mura, Onizaki-mura, Arimatsu-machi, Otaka-machi
		Okazaki	In Aichi Prefecture Okazaki City, Nikada-gun
		Anjo	In Aichi Prefecture Hekkai-gun
		Nishio	In Aichi Prefecture Hazu-gun
		Koromo	In Aichi Prefecture Nishikamo-gun Higashikamo-gun
		Toyohashi	In Aichi Prefecture Toyohashi City Toyokawa City Hoi-gun, Atsumi-gun
		Shinshiro	In Aichi Prefecture Minamishidara-gun Kitashidara-gun Yana-gun
	Tsu	Tsu	In Mie Prefecture Tsu City, Ano-gun Ichishi-gun In Kawage-gun Isshinden-machi, Kurima-mura, Shiratsuka-mura, Toyotsu-mura, Ueno-mura, Imakawa-mura, Kuroda-mura, Inafu-mura, Takanoo-mura, Mukumoto-mura, Akira-mura
		Suzuka	In Mie Prefecture Suzuka City In Kawage-gun Amana-mura, Sakae-mura
		Kameyama	In Mie Prefecture Suzuka-gun
		Matsusaka	In Mie Prefecture Matsusaka City, Iinami-gun, In Taki-gun Higashikurobe-mura, Shimomiito-mura, Oyodo-machi,

High Court	District Court	Summary Court	District of jurisdiction
			Kamimiito-mura, Myojo-mura, Saigu-mura, Auka-mura, Nishikakita-mura, Sana-mura, Tsuda-mura, Niu-mura, Gokadani-mura
		Ueno	In Mie Prefecture Ueno City, Ayama gun Naga-gun
		Yokkaichi	In Mie Prefecture Yokkaichi City, Mie-gun
		Kuwana	In Mie Prefecture Kuwana City, Kuwana-gun Inabe-gun
		Ujiyamada	In Mie Prefecture Ujiyamada City In Watarai-gun Tamaru-machi, Futami-machi, Totsugo-mura, Numaki-mura, Misono-mura, Toyohama-mura, Arita-mura, Kitahama-mura, Komato-machi, Higashitokita-mura, Uchikita-mura, Nakagawa-mura, Ichinose-mura, Ogawago-mura, Hobara mura, Nankai-mura, Gokasho-machi, Shinitaso-mura, Kanbara-mura, Kita-mura, Shimotokita-mura
		Toba	In Mie Prefecture Shima-gun
		Misedani	In Mie Prefecture In Take-gun Misedani-mura, Kawazoe-mura, Ogihara-mura, Ryonai-mura, Osugiya-mura In Watarai gun Nanaho-mura, Takihara-machi, Kashiwazaki-mura, Ouchiyama-mura, Yoshizu-mura, Shimazu-mura, Ukura-mura, Nakazima-mura
		Kinomoto	In Mie Prefecture Minamimuro-gun
		Owashi	In Mie Prefecture Kitamuro-gun
	Gifu	Gifu	In Gifu Prefecture Gifu City, Inaba-gun, Hashima-gun, Motosu gun, Yamagata-gun, Mugi gun In Kamo-gun Tawara-mura, Tomioka-mura In Masuda-gun Shimohara mura In Gunjo-gun Higashi-mura
		Hachiman	In Gifu Prefecture In Gunjo-gun Hachiman machi, Kaai mura, Kuchimyogata-mura, Yamada-mura, Yato-mura, Ushimichi-mura, Takawashi mura, Hokuno-mura, Shiratori-machi, Nishikawa mura, Aioi mura, Okumyogata-mura, Takeda-mura, Shimokawa-mura, Nishiwara-mura, Wara-mura
		Ogaki	In Gifu Prefecture Ogaki City Kaizu-gun, Yoro-gun, Fuwa-gun, Anpachi-gun, Ibi gun
		Mitake	In Gifu Prefecture Kani-gun In Kamo-gun Ota-machi, Kobi-machi, Yamanoue-mura, Hachiya-mura, Kamono-mura, Sakahogi-mura, Tomida-mura, Kajita-mura, Ibuka-mura, Miwa-mura, Kawabe-machi, Shimoasafu machi, Shimoyoneda-mura, Kamiyoneda-mura, Wachi mura, Yaozu machi, Kutami-mura, Shionami-mura, Iiji-mura, Fukuchi mura, Sohara-mura, Kurokawa-mura, Nishishirakawa-mura, Higashishirakawa-mura, *Sami mura*
		Tajimi	In Gifu Prefecture Tajimi City Toki-gun
		Gifunakatsu	In Gifu Prefecture Ena gun
		Takayama	In Gifu [illegible] Takayama [illegible] [illegible] In [illegible]
	Fukui	[illegible]	[illegible]
			[illegible]

High Court	District Court	Summary Court	District of jurisdiction
		Takefu	Nanjo-gun, Imatate-gun In Nibu-gun Asahi-machi, Tatemachi-mura, Yoshikawa-mura, Yutaka-mura, Yoshino-mura, Omushi-mura, Miyazaki-mura, Shirayama-mura, Shiro zaki-mura, Shikaura-machi, Oda-mura, Hagino-mura, Tokiwa-mura, Itofu-mura
		Ono	In Fukui Prefecture Ono-gun
		Tsuruga	In Fukui Prefecture Tsuruga City Tsuruga-gun,, Mikata-gun
		Obama	In Fukui Prefecture Onifu-gun, Oi-gun
	Kana-zawa	Kanazawa	In Ishikawa Prefecture Kanazawa City, Ishikawa-gun, Kahoku-gun In Nomi-gun Torigoe-mura, Okuchi-mura, Shiramine-mura
		Komatsu	In Ishikawa Prefecture Komatsu City, Enuma-gun In Nomi-gun Osugitani-mura, Shinmaru-mura, Nishio-mura, Kaneno-mura, Nakaumi-mura, Teraino-machi, Neargari-machi, Minato-mura, Kokufu-mura, Yoshida-mura, Awafu-mura, Hisatsune-mura, Yanakami-mura, Kawakita-mura
		Nanao	In Ishikawa Prefecture Nanao City, Kashima-gun
		Hakui	In Ishikawa Prefecture Hakui-gun
		Wajima	In Ishikawa Prefecture In Fugeshi-gun Wajima-machi, Oya-mura, Kawarada-mura, Mii-mura, Konosu-mura, Nishiho-mura, Najimi-mura, Anamizu-machi, Sumiyoshi-mura, Kabuto-mura, Hongo-mura, Monzen-machi, Shitsura-mura, Kuroshima-mura, Tsurugiji-mura, Urakami-mura, Morooka-mura
		Ishikawa-Iida	In Ishikawa Prefecture Suzu-gun In Fugeshi-gun Ushutsu-machi, Ukawa-machi, Motohashi-mura, Sannami-mura, Kanno-mura,
			Yanagida-mura, Machino-machi
	Toyama	Toyama	In Toyama Prefecture Toyama City, Kaminiikawa-gun In Nei-gun Yokata-machi, Nenaka-machi, Yawata-mura, Sagae-mura, Kureha-mura, Kuraga-ki-mura, Nagaoka-mura, Asahi-mura, Horiiri-mura, Ikeda-mura
		Yatsuo	In Toyama Prefecture In Nei-gun Yatsuo-machi, Sugihara-mura, Yasuuchi-mura, Yamada-mura, Onagatani-mura, Ninbu-mura, Muromaki-mura, Nozumi-mura, Kurosedani-mura, Unohana-mura, Furusato-mura, Otokawa-mura, Miyokawa-mura, Kumano-mura, Shinpo-mura
		Uozu	In Toyama Prefecture In Shimoniikawa-gun Uozu-machi, Shimonakashima-mura, Kaminakashima-mura, Matsukura-mura, Kaminokata-mura, Shimonokata-mura, Katakaidani-mura, Kazumi-mura, Michishita-mura, Kyoden-mura, Tenjiin-mura, Nishifuse-mura, Sakurai-machi, Ikuji-machi, Higashifuse-mura, Hagishiyama-mura, Uchiyama-mura
		Tomari	In Toyama Prefecture In Shimoniikawa-gun Tomari-machi,Funami-machi, Nyuzen-machi, Aimoto-mura, Nozyu-mura, Oienosho-mura, Yamazaki-mura,Nanpo-mura, Gogusho-mura, Miyazaki-mura, Sakai-mura, Arayamura, Kosurido-mura, Aoki-mura, Iino-mura, Kamihara-mura, Yokoyama-mura, Kunugiyama-mura
		Kamiichi	In Toyama Prefecture Nakaniikawa-gun
		Takaoka	In Toyama Prefecture Takaoka City, Imizu-gun In Higashitonami-gun Nakada-machi, Hannyano-mura, Kitahannya-mura In Nishitonami-gun Fukuda-mura, Higashigoi-mura, Kuniyoshi-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Tateno-mura, Toide-machi, Daigo-mura, Ose-mura
		Himi	In Toyama Prefecture Himi-gun
		Demachi	In Toyama Prefecture In Higashitonami-gun De-machi, Aburaden-mura, Minamihannya-mura, Higashihannya-mura, Bendanno-mura, Hannya-mura, Yanase-mura, Ota-mura, Shōge-mura, Gokaya-mura, Higashinojiri-mura, Nakano-mura, Ogami-mura, Sendanyama mura, Taneda-mura, Fukuno-machi, Yamano-mura, Inami-machi, Aoshima-mura, Toga-mura, Higashiyamami-mura, Minamiyamami-mura, Takase-mura
		Jōhana	In Toyama Prefecture In Higashitonami-gun Jōhana-machi, Ogaya-mura, Minamiyamada-mura, Yamada-mura, Kitayamada-mura, Kitano-mura, Minotani-mura, Inokuchi-mura, Taira-mura, Kamitaira-mura In Nishitonami-gun Fukumitsu-machi, Minamikanda-mura, Ishiguro-mura, Nishinojiri-mura, Nishifutomi-mura, Hirose-mura, Hirosetateyama-mura, Yoshie-mura, Higashiishiguro-mura, Higashifutomi-mura, Futomi-mura
		Isurugi	In Toyama Prefecture In Nishitonami-gun Isurugi-machi, Tsuzawa-machi, Fukuoka-machi, Miyajima-mura, Konade-mura, Minamidani-mura, Hanyu-mura, Kitakanda-mura, Higashikanda-mura, Yabunami-mura, Shotoku-mura, Matsuzawa-mura, Wakabeyashi-mura, Mizushima-mura, Asakawa-mura, Nishigoi-mura, Ishizutsumi-mura, Akamaru-mura, Goiyoma-mura
Hiroshima	Hiroshima	Hiroshima	In Hiroshima Prefecture Hiroshima City In Aki-gun Nakano-mura, Seno-mura, Hotaga-mura, Okukaita-mura, Saka-mura, Funagoshi-machi, Fuchu-machi, Yano-machi, Kumano-machi, Kaidaichi-machi, Hesaka-mura, Nakayama mura, Nukushina-mura In Saeki-gun Hatsukaichi-machi, Hera-mura, Hara-mura, Miyauchi-mura, Jigozen-mura, Kannon-mura, Itsukaichi-machi, Inokuchi-mura, Ishiuchi-mura, Yawata-mura, Kawachi-mura, Sagodani-mura, Minoochi-mura, Kamiminouchi-mura, Yoshiwa-mura, Shiwa-mura, Asahara-mura, Tsuda-machi, Yūwa-mura, Kujima-mura, Ōno-mura, Itsukushima-machi In Kamo-gun Saijo-machi, Kawakami-mura, Higashishiwa-mura, Shiwabori-mura, Nishishiwa-mura, Hara-mura, Yoshikawa-mura, Kumanoat-mura, Goda-mura, Kamikurose-mura, Itagi-mura, Shimoninaga-mura, Nishitakaya-mura, Higashitakaya-mura, Zoga-mura
		Kabe	In Hiroshima Prefecture Asa-gun
		Kake	In Hiroshima Prefecture In Yamagata-gun Kake-machi, Kamitomo-mura, Yasuno-mura, Tsudani-mura, Togochi-machi, Tsutsuga-mura, Yoshizaka-mura, Ogawara-mura, Yawata-mura, Nakano-mura, Miwa mura, Tonoga mura
		Yae	In Hiroshima Prefecture In Yamagata-gun Yae-machi, Kawasako-mura, Mibu-machi, Honji mura, Minamigata-mura, Hara-mura, Shinjo-mura, Ōasa machi
		Ōtake	In Hiroshima Prefecture In Saeki gun Otake-machi, Ogata-mura, Kuba-machi, Kuritani mura, Kono-mura
		Kure	In Hiroshima Prefecture Kure City In Aki gun Ondo-machi, Kūrahashijima-mura, Showa mura, Oya-mura, Edajima mura, Shimokamagarijima-mura, Kamikamagarijima-mura In Kamo-gun

High Court	District Court	Summary Court	District of jurisdiction
			Gohara-mura, Shimokurose-mura, Nakakurose-mura, Nomio-mura, Yasuura-machi, Ato-mura, Kawajiri-machi In Saeki-gun Ogaki-machi, Fukae-mura, Kanokawa-mura, Naka-mura, Takada-mura, Mitaka-mura, Oki-mura, Tobitonose-mura
		Takehara	In Hiroshima Prefecture In Kamo-gun Takehara-machi, Shimono-mura, Higashino-mura, Shono-mura, Kanaga-mura, Akitsu-machi In Toyoda-gun Yoshina-mura, Kinoe-machi, Higashino-mura, Nakano-mura, Nishino-mura, Osaki-minami-mura, Mitarai-machi, Onaga-mura, Hisato-mura, Toyohama-mura, Tadanomi-machi, Saizaki-machi, Numa-dahigashi-mura, Numada-nishi-mura, Koizumi-mura, Onori-mura, Minamikata-mura, Hongo-machi, Taka-saka-mura, Nagatani-mura, Setoda-machi, Sagiura-mura, Higashiikuguchi-mura, Minamiikuguchi-mura, Kamikitakata-mura, Shimo-kitakata-mura, Zennyuji-mura
		Onomichi	In Hiroshima Prefecture Onomichi City, Mihara City In Mitsuki-gun Fukada-mura, Minogo-mura, Kinoshō-mura, Sugano-mura, Harada-mura, Shimokawabe-mura, Kamikawabe-mura, Ichi-mura, Kawachi-mura, Morota-mura, Uzuto-mura, Oku-mura, Tachibana-mura, Mukaizimanishi-mura, Mukaizimahigashi-mura, Iwakojima-mura, Yawata-mura, Imatsuno-mura, Sakai-hara-mura, Haizumi-mura, Kui-mura In Toyoda-gun Kawachi-machi, Funagi-mura, Ōkusa-mura, Toyoda-mura, Kawanashi-mura, Toyoe-mura, Kuba-mura, Takeni-mura, Tono-mura, Nuno-mura, Kotani-mura, Tamari-mura In Nukuma-gun Tsunosato-mura, Sedo-mura, Akasaka-mura, Kami-mura, Hongō-mura, Higashi-mura, Nishi-mura, Takasu-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Imazu-machi, Matsunaga-machi, Yanazu-mura, Kanae-mura, Fujie-mura, Urasaki-mura, Hyakujima-mura, Yamanami-mura
		Innoshima	In Hiroshima Prefecture In Mitsuki-gun Habu-machi, Mitsunoshō-machi, Takuma-mura, Shigei-mura, Nakanoshō-mura, Miura-mura, Ohama-mura
		Kozan	In Hiroshima Prefecture Sera-gun
		Fukuyama	In Hiroshima Prefecture Fukuyama City Fukagasu-gun, Ashina-gun In Nukuma-gun Tomoe-machi, Yokojima-mura, Tajima-mura, Chitose-mura, Kumano-mura, Mizumomi-mura
		Yuki	In Hiroshima Prefecture Jinseki-gun
		Jōge	In Hiroshima Prefecture Kōnu-gun
		Miyoshi	In Hiroshima Prefecture Futami-gun, Takatsu-gun
		Shōbara	In Hiroshima Prefecture Hiba-gun
	Yama-guchi	Yamaguchi	In Yamaguchi Prefecture Yamaguchi City In Yoshiki-gun Niho-mura, Osabe-mura, Ouchi-mura, Daido-mura, Akiho-machi, Suzenji-mura
		Bōfu	In Yamaguchi Prefecture Bōfu City, Saba-gun
		Yamaguchi-Ōta	In Yamaguchi Prefecture In Mine-gun Ota-machi, Ayagi-mura, Managata-mura, Akiyoshi-mura, Iwanaga-mura, Akago-mura, Beppu-mura, Kyowa-mura
		Isa	In Yamaguchi Prefecture In Mine-gun Isa-machi, Higashiatsuho-mura, Nishiatsuho-mura, Omine-machi, Ofuku-mura
		Ikumo	In Yamaguchi Prefecture In Abu-gun Ikumo-mura, Shinebu-mura, Jifuku-mura, Tokusa-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Takamata-mura, Kibe-mura, Kane-mura
		Tokuyama	In Yamaguchi Prefecture Tokuyama City, Kudamatsu City Hikaru City In Tsuno-gun Sasuma-mura, Nakasu-mura, Nagabe-mura, Yonekawa-mura In Kumage-gun Suhe-mura, Mitsuka-mura, Takamizu-mura, Katsuma-mura, Yashiro-mura, Yamato-mura
		Kano	In Yamaguchi Prefecture In Tsuno-gun Kano-machi, Kôde-mura, Sukane-mura
		Hagi	In Yamaguchi Prefecture Hagi City In Abu-gun Fukukawa-mura, Shifuku-mura, Ōi-mura, Mishima-mura, Nago-machi, Sanmi-mura, Akiragi-mura, Sasanami-mura, Kawakami-mura, Susa-machi, Ezaki machi, Utagō-mura, Fukuga-mura, Yatomi-mura, Ogawa-mura, Mushima-mura
		Yamaguchi-Fukawa	In Yamaguchi Prefecture Otsu-gun
		Iwakuni	In Yamaguchi Prefecture Iwakuni City In Kuga gun Ose-mura, Waki-mura, Fujika mura, Misho-mura, Kitakochi-mura, Minamikochi mura, Morogino-mura, Tsuzu mura, Sakaue mura, Takamori-machi, Kuga-machi, Seu-mura, Yonekawa-mura, Kawagoe-mura, Yuu-machi
		Hongo	In Yamaguchi Prefecture In Kuga-gun Hongo-mura, Hirose-machi, Kuwane-mura, Akinaka-mura, Kawayama mura, Fukasu-mura, Takane mura, Kami-hata mura
		Yanai	In Yamaguchi Prefecture In Kuga gun Yanai-machi, Koshiro-mura, Hizumi mura, Nature mura, Sinzyo-mura Yota mura Ikate mura In Kumage gun
			Hirafu-machi, Tabuse-machi, Ihonosho-mura, Atsuki-mura, Muretsu-mura, Kamiseki-mura, Saga-mura, Ose-mura, Sone-mura, Marifu mura, Jonan-mura, Ogo-mura
		Kuga	In Yamaguchi Prefecture Oshima gun
		Shimonoseki	In Yamaguchi Prefecture Shimonoseki City Toyoura-gun
		Funaki	In Yamaguchi Prefecture Onoda City, Asa gun
		Ube	In Yamaguchi Prefecture Ube City In Yoshiki-gun Higashikinami mura
	Okayama	Okayama	In Okayama Prefecture Okayama City, Mitsu-gun, Akaiwa-gun, Jodo-gun
		Ushimado	In Okayama Prefecture Oku gun
		Tamano	In Okayama Prefecture Tamano City In Kojima-gun Ajino-machi, Shimotsui-machi, Honjo-mura, Fujito-machi, Gonai-mura, Kotoura-machi, Kojima machi Nadazaki-mura, Tsuboe-mura, Shonai mura, Muneage-mura, Yamada mura Konoura-mura, Hachihama-machi, Ogushi-mura Hokodate mura
		Katakami	In Okayama Prefecture Wake-gun
		Tamashima	In Okayama Prefecture In Asaguchi-gun Tamashima-machi, Naga[illegible]-machi, Funapo-[illegible], Tomita mura, Kurozaki-[illegible], Konko-machi, Yor[illegible]-machi, Roku[illegible], Kurosho-[illegible], K[illegible]-machi, O[illegible]
		Kurashiki	In Okayama Pre[illegible] Kurashik[illegible] [illegible]-gun, K[illegible] In K[illegible]-gun [illegible], [illegible], [illegible] I[illegible] [illegible]

High Court	District Court	Summary Court	District of jurisdiction
			Nogi-gun
		Kisuki	In Shimane Prefecture Ohara-gun, Nita-gun, Iishi-gun
		Imaichi	In Shimane Prefecture Izumo City, Hinokawa-gun
		Shimane-Ōta	In Shimane Prefecture Anno-gun, Nima-gun
		Hamada	In Shimane Prefecture Hamada City, Naka-gun
		Masuda	In Shimane Prefecture Mino-gun, Kanoashi-gun
		Kawamoto	In Shimane Prefecture Ochi-gun
		Saigo	In Shimane Prefecture Suki-gun, Ochi-gun, Chifuni-gun, Ama-gun
Fuku-oka	Fukuoka	Fukuoka	In Fukuoka Prefecture Fukuoka City, Kasuya-gun, Tsukushi-gun, Sawara-gun
		Tōgo	In Fukuoka Prefecture Munakata-gun
		Maebaru	In Fukuoka Prefecture Itoshima-gun
		Amaki	In Fukuoka Prefecture Asakura-gun
		Iizuka	In Fukuoka Prefecture Iizuka City, Kaho-gun
		Nōgata	In Fukuoka Prefecture Nōgata City, Kurate-gun
		Kokura	In Fukuoka Prefecture Kokura City, Yawata City (Except Orio-machi) Tobata City, Wakamatsu City, Kiku-gun
		Orio	In Fukuoka Prefecture Yawata City, Orio-machi, Onga-gun
		Moji	In Fukuoka Prefecture Moji City
		Kurume	In Fukuoka Prefecture Kurume City, Mii-gun In Mitsuma-gun Jojima-machi, Aoki-mura, Ekami-mura, Ōmizo-mura, Inuzuka-mura, Nishimuda-mura, Yasutake-mura, Araki-mura, Daizenji-machi

High Court	District Court	Summary Court	District of jurisdiction
			Mitsuma-mura
		Yoshii	In Fukuoka Prefecture Ukiha-gun
		Yanagawa	In Fukuoka Prefecture Yamato-gun In Mitsuma-gun Okawa-machi, Ooshima-mura, Kawaguchi-mura, Shodai-mura, Taguchi-mura, Kamake-mura, Ōi mura, Kisaki mura, Kimuro-mura, Mitsumata mura
		Ōmuda	In Fukuoka Prefecture Ōmuda City, Miike-gun
		Yame	In Fukuoka Prefecture Yame-gun
		Yukuhashi	In Fukuoka Prefecture Miyako-gun
		Hachiya	In Fukuoka Prefecture Chikujo-gun
		Tagawa	In Fukuoka Prefecture Tagawa City, Tagawa-gun
	Saga	Saga	In Saga Prefecture Saga City, Saga-gun, Kanzaki-gun
		Ogi	In Saga Prefecture Ogi-gun
		Tosu	In Saga Prefecture Miyaki gun
		Takeo	In Saga Prefecture In Kinoshima-gun Takeo-machi, Asahi-mura, Wakagi-mura, Takeuchi-mura, Sumiyoshi-mura, Nakadori mura, Nishikawanobori-mura, Higashikawanobori-mura, Tachibana-mura, Hashishita-mura, Kitakata-machi
		Rokkaku	In Saga Prefecture In Kinoshima-gun Rokkaku-mura, Ōmachi-machi, [illegible], [illegible]-mura, [illegible], [illegible], [illegible], [illegible]
		Kashima	In Saga Prefecture [illegible]
		Imari	In Saga Prefecture [illegible]

High Court	District Court	Summary Court	District of jurisdiction
		Itsuhara	In Nagasaki Prefecture Shimoagata-gun
		Sasuna	In Nagasaki Prefecture *Kamiagata gun*
	Ōita	Oita	In Ōita Prefecture Ōita City, Ōita-gun In Kitaamabe-gun Ōzai mura, Kawazoe-mura, Sagaseki-machi, Isshakuya-mura, Kanzaki-mura, Sakanoichi-machi In Ōno-gun Imaichi-mura In Naori-gun Asono-mura
		Beppu	In Ōita Prefecture Beppu City In Hayami-gun Ubuin-mura
		Kitsuki	In Ōita Prefecture In Hayami-gun Kitsuki-machi, Kitakitsuki-mura, Yasaka-mura, Hide-machi, Toyooka-machi, Tateishi-machi, Nakayamaga-machi, Yamaura-mura, Kami-mura, Higashiyamaka-mura, Kawasaki-mura, Fujiwara-mura, Ōgami-mura, Mina-*mihata mura* In Higashikunisaki-gun Nakae-mura
		Kunisaki	In Oita Prefecture In Higashikunisaki-gun Kunisaki-machi, Musashi-machi, Aki machi, Nishiaki-machi, Tomiku-machi, Take-datsu-machi, Nishimusashi-mura, Asaku-mura, Mina-miaki-mura, Kamikunisaki-mura, Toyosaki-mura, Asahi-mura, Nakamusashi-mura, Imi-mura, Kunoura-machi, Kumage-mura, Himeshima-mura
		Nakatsu	In Oita Prefecture Nakatsu City, Shimogo-gun
		Usa	In Oita Prefecture Usa gun
		Tamatsu	In Oita Prefecture Nishikunisaki-gun
		Hida	In Oita Prefecture Hida City, Hida-gun Kusu-gun
			In Ōita Prefecture
		Takeda	In Naori-gun Takeda-machi, Tamarai-machi, Matsumoto-mura, Niuta mura, Ubadake-mura, *Miyato-mura, Kashiwabara-*mura, Ogi mura, Sugafu-mura, Miyagi-mura, Kujin-machi, Kiharu-mura, Shirani-mura, Miyakono-mura, Na-gayu-mura, Shimotakeda-mura
		Mie	In Ōita Prefecture In Ono-gun Mie-machi, Ōno-machi, Sugao-mura, Arata-mura, Hakusan-mura, Aikawa-mura, Makiguchi-mura, Hasegawa-mura, Kamiogata-mura, Ogata mura, Kofuji-mura, Kamiida-mura, Nish iōno-mura, Momoeda-mura, Inukai-mura, Kawanobori-mura, Tano-mura, Noruichi-mura, Tonoe-mura, Nagatani-mura, Minaminozu-mura, Chitose-mura
		Saeki	In Oita Prefecture Saeki City, Minamiamabe-gun In Ono-gun Ōnoichi-mura, Shigeoka mura
		Usuki	In Ōita Prefecture In Kitaamabe-gun Usuki-machi, Tsukumi-machi, Shitanoe-mura, Shimokitatsuru-mura, Amabe-mura, Kamikitatsuru-mura, Sashiu-mura, Mina-mitsuru mura, Hishiro-mura, Hotoshima-mura, Youra-mura
	Kuma-moto	Kumamoto	In Kumamoto Prefecture Kumamoto City, Hotaku gun In Kikuchi-gun Otsu-machi, Seta mura, Jinnai mura, Haramizu-mura, Tsuda-mura, Goshi mura, Morikawa-mura, Hiramaki-mura In Aso-gun Nishikino-mura, Yamanishi-mura In Shimomashiki-gun Matsuhashi-machi, Tonoo-mura, Toyokawa-mura, Konoe-mura, Ogawa-machi, Kaito-mura, Onobeda-mura, Toyofuku-mura, Toyono-mura, Nakayama mura, Kumanosho-machi, Toyoda-mura Sugikami mura Sor-

High Court	District Court	Summary Court	District of jurisdiction
			ai-mura, Moritomi-mura In Uto-gun Udo-machi, Todoroki-mura, Hanazono-mura, Midori-kawa-mura, Amitsu-mura, Shiranuhi-mura, Matsuai-machi
		Misumi	In Kumamoto Prefecture In Uto-gun Misumi-machi, Ohoda-mura, Otake-mura, Konoura-mura, Tobase-mura In Amakusa-gun Noboritate-machi, Iwa-mura, Naka-mura, Kami-mura, Yushima-mura, Imatsu-mura, A-mura, Kyoragikawachi-mura, Himedo-mura, Ōura-mura, Sushi-mura, Akazaki-mura, Kozura-mura, Shimo-zura-mura, Kusubo-mura
		Arao	In Kumamoto Prefecture Arao-City In Tamana-gun Kiyozato-mura, Nagasu-machi, Muraaka-mura, Musakae-mura
		Tamana	In Kumamoto Prefecture In Tamana-gun Tamana-machi, Tamana-mura, Ishinuki-mura, Kawa-soi-mura, Tsukise-mura, Eta-machi, Hanamure-mura, Togo-mura, Bairin-mura, Oda-mura, Yatsuka-mura, Konoha-mura, Yamakita-mura, Ikura-machi, Tama-mizu-mura, Oama-mura, Yokojima-mura, Ōhama-machi, Toyomizu-mura, Nameishi-mura, Takamichi-mura, Nabe-mura, Mutsuai-mura, Tsukiyama-mura, Ōno-mura, Nankwan-machi, Harutomi-mura, Midori-mura, Kamio-mura, Ohara-mura, Sakashita-mura, Me-tomi-mura, Sakagi-mura
		Yamaga	In Kumamoto Prefecture Kamoto-gun In Kikuchi-gun Kitagoshi-mura, Nishigoshi-mura, Shisui-mura, Tajima-mura, Waifu-machi, Kawa-haru-mura, Tozaki-mura, Hanafusa-mura, Kikuchi-mura, Kamogawa-mura, Sei-sen-mura, Toride-mura, Shi-rokita-mura, Ryumon-mura, Hasama-mura, Minamoto-mura, Asahino-mura
		Miyaji	In Kumamoto Prefecture In Aso-gun Miyaji-machi, Sakanashi-mura, Nakadori-mura, Kurokawa-mura, Namino-mura, Uhuyama-mura, Kojo-mura, Uchimaki-machi, Ya-mada-mura, Ogaishi-mura, Nagamizu-mura, Oguni-machi, Minamioguni-mura,
		Takamori	In Kumamoto Prefecture In Aso-gun Takamori-machi, Nojiri-mura, Kusakabe-mura, Shi-kimi-mura, Shirami-mura, Nagakita-mura, Kugino-mura, Kashiwa-mura
		Mifune	In Kumamoto Prefecture In Kamimashiki-gun Mifune-machi, Shirahata-mura, Tatsuno-mura, Kosa-machi, Miyaachi-mura, Oto-me-mura, Toyoaki-mura, Jin-mura, Osaka-mura, Oshima-mura, Rokuka-mura, Kinoku-ra-mura, Takaki-mura, Nana-taki-mura, Takimizu-mura, Kiyama-machi, Hiroyasu-mura, Akitsu-mura, Iino-mura, Fukuda-mura, Tsu-mori-mura, Kawahara-mura, Shirami-mura In Shimomashiki-gun Tomochi-machi, Higashito-mochi-mura, Toshine-mura
		Hamamachi	In Kumamoto Prefecture In Kamimashiki-gun Hama-machi, Narekawa-mura, Asahi-mura, Mitake-mura, Shiraito-mura, Shimo-yabo-mura, Nakajima-mura, In Aso-gun Omine-mura, Umamihara-machi, Sugao-mura
		Yatsushiro	In Kumamoto Prefecture Yatsushiro City Yatsushiro-gun
		Minamata	In Kumamoto Prefecture Ashikita-gun
		Hitoyoshi	In Kumamoto Prefecture Hitoyoshi City Kuma-gun
			In Kumamoto Prefecture In Amakusa-gun Hondo-machi, Saitsu-mura, Goryo-mura, Oninoike-mura, Teno-mura, Jogahara-mura, Hon-mura, Kameba-mura,

High Court	District Court	Summary Court	District of jurisdiction
		Amakusa	Hajiudo-mura, Miyajidake-mura, Nakada-mura, Ikarishi-mura, Miyaji-mura, Otao-mura, Kusuura-mura, Shigaki-mura, Shimago-mura, Shimoura-mura, Sumoto-mura, Miyata-mura, Ura-mura, Tanasoko-mura, Odo-mura, Goshonoura-mura, Takado-mura, Hishima-mura, Tomioka-machi, Shigi-mura, Sakasegawa mura, Nie-machi, Tororo-mura, Fukutsuragi-mura, Shimoda-mura, Takahama-mura
		Ushifuka	In Kumamoto Prefecture In Amakusa-gun Ushifuka-machi, Oniki-mura, Haiura mura, Kameura-mura, Oe mura, Tomitsu-mura, Itchoda-mura, Shingo-mura, Miyanokawachi-mura, Fukami mura, Kutama-mura
	Kago-shima	Kagoshima	In Kagoshima Prefecture Kagoshima City Kagoshima-gun Jitto-mura, Oshima-gun
		Ijuin	In Kagoshima Prefecture Hioki-gun
		Tanegashima	In Kagoshima Prefecture In Kumaga-gun Nishinoomoto-machi Nakatane-machi Minamitane-mura
		Yakushima	In Kagoshima Prefecture In Kumaga-gun Kamiyaku-mura Shimoyaku-mura
		Kajiki	In Kagoshima Prefecture In Aira-gun Kajiki machi, Shigetomi-mura, Gamō-machi, Yamada-mura, Mizobe-mura, Chōsa machi, Kokubu-machi, Hayato-machi, Higashikokubu-mura, Hiateyama-mura, Fukuyama machi, Kirishima mura, Shimizu-mura, Shikine-mura
		Okuchi	In Kagoshima Prefecture Isa-gun In Aira-gun Yokokawa machi, Kurino-machi, Yoshimatsu-mura, Makizono-machi
		Iwakawa	In Kagoshima Prefecture Soo-gun
		Chiran	In Kagoshima Prefecture In Kawanabe-gun Chiran-machi
		Kaseda	In Kagoshima Prefecture In Kawanabe gun Kaseda-machi, Mansei-machi, Kachime-mura, Kawanabe-machi, Kasasuna-machi, Makurazaki-machi, Nishiminamigata-mura
		Ibusuki	In Kagoshima Prefecture Ibusuki-gun
		Sendai	In Kagoshima Prefecture Sendai City In Satsuma-gun Miyanoshiro-machi, Yamazaki-mura, Tsuruta-mura, O-mura, Sashi-mura, Kuroki-mura, Imuta-mura, Nagano-mura, Kuna-mura, Nagatoshi-mura, Iriki-mura, Takaki-mura, Takae-mura, Mizuhiki-mura, Hiwaki-machi, Kamitogo-mura, Shimotogo-mura
		Izumi	In Kagoshima Prefecture Izumi-gun
		Koshikijima	In Kagoshima Prefecture In Satsuma gun Kamikoshiki-mura, Shimokoshiki mura, Sato-mura
		Kanoya	In Kagoshima Prefecture Kanoya City In Kimotsuki-gun Takakuma-mura, Mobiki-mura, Aira mura, Higashikushira-machi, Takayama-machi, Kushira-machi, Uchinoura-machi, Tarumi-machi, Ushine-mura, Shinjo-mura
		Onejime	In Kagoshima Prefecture In Kimotsuki-gun Onejime-machi, Neshime-machi, Sata-mura, Tajiro-mura
	Miya-zaki	Miyazaki	In Miyazaki Prefecture Miyazaki City Miyazaki-gun Higashimorogata gun
		Tsuma	In Miyazaki Prefecture Koyu-gun
		Obi	In Miyazaki Prefecture Minaminaka-gun
		Miyakonojo	In Miyazaki Prefecture Miyakonojo City

High Court	District Court	Summary Court	District of jurisdiction
			Kitamorogata-gun
		Kobayashi	In Miyazaki Prefecture Nishimorogata-gun
		Nobeoka	In Miyazaki Prefecture Nobeoka City In Higashiusuki-gun Kitago-mura, Kadokawa-machi, Kitakata-mura, Kitaura-mura, Minamiura-mura, Minamikata-mura, Kitakawa-mura
		Tomishima	In Miyazaki Prefecture In Higashiusuki-gun Tomishima-machi, Iwawaki-mura, Togō-mura, Minamigo-mura, Nishigo-mura In Nishiusuki-gun Morotsuka-mura, Shiiba-mura
		Takachiho	In Miyazaki Prefecture In Nishiusuki-gun Takachiho-machi, Kamino-mura, Iwato-mura, Nakaori-mura, Iwaikawa-mura, Kuraoka-mura, Mikasho-mura, Tawara-mura
Sendai	Sendai	Sendai	In Miyagi Prefecture Sendai City, Shiogama City, Watari-gun, Kurokawa-gun, *Natori-gun*, Miyagi-gun In Momou-gun Miyato-mura
		Okawara	In Miyagi Prefecture Shibata-gun, Igu-gun, Katte-gun
		Furukawa	In Miyagi Prefecture Toda-gun, Shita-gun, Kami-gun In Tamatsukuri-gun Higashiosaki-mura In Kurihara-gun Nagaoka-mura, Miyazawa-mura
		Iwadeyama	In Miyagi Prefecture In Tamatsukuri-gun Iwadeyama-machi, Nishiosaki-mura, Hitotsukuri-mura, Mayama-mura, Kawawatari-mura, Naruko-machi, Onikobe-mura
		Tsukidate	In Miyagi Prefecture In Kurihara-gun Tsukidate-machi, Takashimizu-machi, Tamazawa-mura, Himematsu-mura, Ishinohama-machi, Kaneda-mura, Nagasaki-mura, Hanayama-mura, Miyano-mura, Tomino-mura, Shibahime-mura, Fujisato-mura, Kiyotaki-mura, Wakayanagi-machi, Ooka-mura, Hataoka-mura, Ariga-mura, Kannari-mura, Hagino-mura, Sawabe-mura, Iwakasaki-machi, Onomatsu-mura, Uguisuzawa-mura, Monji-mura, Kurigoma-mura, Toyazaki-mura, Tsukumo-mura In Tome-gun Ishikoshi-mura
		Ishinomaki	In Miyagi Prefecture Ishinomaki City Oshika-gun In Momou-gun Kanomata-mura, Sue-mura, Hirobuchi-mura, Akai-mura, Yanoto-machi, Kita-mura, Oshio-mura, Maeyachi-mura, Ono-mura, Nobiru-mura, Nakatsuyama-mura, Iinokawa-machi, Momou-mura, Oyachi-mura, Hashiura-mura, Futamata-mura, Okawa-mura, Okatsu-machi
		Toyoma	In Miyagi Prefecture In Toyoma-gun Toyoma-machi, Maiya-machi, Yoshida-mura, Toyosato-mura, Asamizu-mura, Sanuma-machi, Nitta-mura, Kitakata-mura, Minamikata-mura, Yoneyama-mura, Takarae-mura, Ishimori-machi, Uwanuma-mura, Nishikori-mura, Maikawa-mura In Motoyoshi-gun Yanaizu-machi
		Kesennuma	In Miyagi Prefecture In Motoyoshi-gun Kesennuma-machi, Karakuwa-mura, Niitsuki-mura, Shikaori-mura, Oshima-mura, Hashikami-mura, Matsuiwa-mura, Tsutani-machi, Otani-mura, Koizumi-mura
		Shizukawa	In Miyagi Prefecture In Motoyoshi-gun Shizukawa-machi, Tokura-mura, Iriya-mura, Utatsu-mura, Yokoyama-mura, Jūsanhama-mura
	Fukushima	Fukushima	In Fukushima Prefecture Fukushima City, Shinobu-gun, Date-gun In Soma-gun

High Court	District Court	Summary Court	District of jurisdiction
	Yamagata	Yamagata	Yamagata City Minamimurayama-gun Higashimurayama-gun In Higashioitama-gun Nakagawa-mura
		Tateoka	In Yamagata Prefecture Kitamurayama-gun
		Sagae	In Yamagata Prefecture Nishimurayama-gun
		Shinjo	In Yamagata Prefecture Mogami-gun
		Yonezawa	In Yamagata Prefecture Yonezawa City Minamioitama-gun In Higashioitama-gun Komatsu-machi, Inukawa-mura, Chūgun-mura, Kamigo-mura, Wada-mura, Kameoka-mura, Akayu-machi, Nukanome-mura, Okigo-mura, Yoshijima-mura, Miyauchi-machi, Yoshino-mura, Kanayama-mura, Urushiyama-mura, Ringo-mura, Ōtsuka-mura, Takabatake-machi, Niizuku-mura, Yashiro-mura
		Nagai	In Yamagata Prefecture Nishioitama-gun In Higashioitama-gun Isazawa-mura
		Tsuruoka	In Yamagata Prefecture Tsuruoka City In Nishitagawa-gun Kamo-machi, Oyama-machi, Kyōden-mura, Sakae-mura, Higashigo-mura, Oizumi-mura, Tagawa-mura, Fukue-mura, Atsumi-machi, Nezugaseki-mura, Toyoura-mura, Kamigo-mura, Nishigo-mura, Yamato-mura, Yutagawa-mura In Higashitagawa-gun Kurokawa-mura, Hirose-mura, Izumi-mura, Watamae-mura, Yokoyama-mura, Yaeshima-mura, Fujishima-machi, Tōei-mura, Tauke-mura, Oizumi-mura, Hongo-mura, Yamazoe-mura, Kogane-mura, Itsuki-mura, Azuma-mura, Naganuma-mura, Izaai-mura, Karikawa-machi, Kiyokawa-mura, Tachiyazawa-mura, Oshikiri-mura
			In Yamagata Prefecture
		Sakata	Sakata City Akumi-gun In Higashitagawa-gun Amarume-machi, Niihori-mura, Sakae-mura, Hirono-mura, Joman-mura, Yaezato-mura, Yamato-mura In Nishitagawa-gun Sodeura-mura
	Morioka	Morioka	In Iwate Prefecture Morioka City, Iwate-gun, Shiwa-gun In Kunoe-gun Kuzumaki-machi, Ekari-mura
		Hanamaki	In Iwate Prefecture Hienuki-gun, Waka-gun
		Kunoe	In Iwate Prefecture Ninoe-gun In Kunoe-gun Karumai-machi, Hareyama-mura, Kokarumai-mura, Ibonai-mura, Esashika-mura, Toda-mura
		Kuji	In Iwate Prefecture In Kunoe-gun Kuji-machi, Osanai-mura, Ōkawame-mura, Natsui-mura, Ōno-mura, Taneichi-mura, Nakano-mura, Samuraihama-mura, Noda-mura, Ube-mura, Yamane-mura, Yamagata-mura
		Tōno	In Iwate Prefecture In Kamihei-gun Tōno-machi, Ayaori-mura, Masuzawa-mura, Kotomo-mura, Miyamori-mura, Tatsusobe-mura, Matsuzaki-mura, Taukvmoushi-mura, Tsuchifuchi-mura, Aosasa-mura, Kamigo-mura
		Kamaishi	In Iwate Prefecture Kamaishi City In Kamihei-gun Otsuchi-machi, Kurihashi-Kasshi-mura, Unozumai-mura, Kanezawa-mura, In Kasen-gun Tōni-mura,
			In Iwate Prefecture In Kesen-gun Sakari-machi, Ōfunato-machi, Akasaki-mura, Otomo-mura, Hirota-mura, Yonezaki-mura, Takata-machi, Kesen,machi, Yahagi-mura, Takekoma-

High Court	District Court	Summary Court	District of jurisdiction
		Sakari	mura, Yokota mura, Setamai-machi, Shimoarisu mura, Kamiarisu-mura, Higoroichi-mura, Takkon- mura, Ikawa-mura, Matsusaki-mura, Ryori- *mura, Otsukirai-mura,* Yoshihama mura
		Miyako	In Iwate Prefecture Miyako City In Shimohei-gun Yamada-machi, Sakiyama- mura, Hanawa-mura, Moichi- mura, Kariya-mura, Tsuga- tuishi-mura, Omohe-mura, Toyomake mura, Osawa- mura, Funakoshi-mura, Orikasa-mura, Tarō-machi, Kawai mura, Kadoma mura, Okuni-mura
		Iwaizumi	In Iwate Prefecture In Shimohei gun Iwaizumi-machi, Omoto- mura, Tanohata-mura, Fudai-mura, Ogawa-mura, Okawa mura, Ōgei mura, Azuka-mura
		Ichinoseki	In Iwate Prefecture Nishiiwai gun In Higashiiwai gun Nagashima mura, Maikawa mura, Semmaya machi, Orikabe-mura Yagoshi mura, Konashi mura, Yaza- wa-mura, Otsuho-mura, Fujisawa machi, Kinomi- mura, Usuginu mura, Oku- dama-mura, Iwashimizu- *mura, Kanzaki-mura,* Matsu- kawa-mura, Sarusawa-mura, Takozu-mura, Surizawa machi, Shibutatni-mura, Okida mura, Nagasaka- mura, Ohara machi
		Mizusawa	In Iwate Prefecture Esashi-gun, Isawa gun In Higashiiwai-gun Seibo-mura
	Akita	Akita	In Akita Prefecture Akita City, Kawabe gun In Minamiakita gun Oidara mura, Iijima mura, Kamishinjo-mura, Shimo- shinjo-mura, Tenno-mura, Showa machi, Kanashi- mura, Sotoasahikawa mura, Gojome machi, Omogata- mura, Babanome-mura, Futsunai-mura Ushikawa-

High Court	District Court	Summary Court	District of jurisdiction
			mura, Hitoichi-machi, Kamiikawa-mura, Shimoi- kawa-mura, Okawa-mura In Yuri-gun Shimohama-mura
		Funakawa- minato	In Akita Prefecture In Minamiakita-gun Funakawaminato-machi, Funagoshi-machi, Kitaura- machi, Futto-mura, Waki- moto-mura, Katanishi-mura, Toba-mura, Oganaka mura, Irias mura
		Noshiro	In Akita Prefecture Noshiro City Yamamoto-gun
		Honjo	In Akita Prefecture In Yuri-gun Honjo-machi, Kovoshi- mura, Nishime mura, Ishizawa mura, Otomo- mura, Minamiuteishi-mura, Kitauteishi mura, Iwaya mura, Yajima-mura, Hitane-mura, Kawauchi- mura, Jincko-mura, Kameda- machi, Matsugasaki-mura, Michikawa-mura, Hirasawa- machi, Koide-mura, Innai- mura, Kisagata-machi, Konoura-machi, Kamihama- mura, Kamisato-mura, Higashitakizawa mura, Nishitakizawa mura, Ayukawa mura, Shimogo- mura, Tomai mura, Shimokawaochi-mura Kamikawaochi mura, Taishojo-mura
		Odate	In Akita Prefecture Kitaakita gun
		Hanawa	In Akita Prefecture Kazuno-gun
		Yokote	In Akita Prefecture Hiraga-gun Yokote-machi [illegible] Sakae-mura [illegible] mura, Asa[illegible] mach [illegible] mura [illegible] [illegible]
			[illegible]

High Court	District Court	Summary Court	District of Jurisdiction
		Yuzawa	Okatsu-gun In Hiraka-gun Masuda-machi, Jūmonji-machi
		Omagari	In Akita Prefecture In Senpoku-gun Omagari-machi, Jingūji-machi, Rokugo-machi, Hanatate-mura, Minami-araoka-mura, Uchiotomo-mura, Sotootomo-mura, Okawanishine-mura, Takanashi-mura, Yotsuya-mura, Yokohori-mura, Kanezawa-machi, Hataya-mura, Fujiki-mura, Iizume-mura, Kanazawanishine-mura, Senya-mura, Kariwane-machi, Yodogawa-mura, Arakawa-mura, Tsuchikawa-mura, Kowakubi-mura, Osawazato-mura, Minayoshikawa-mura, Kitanaraoka-mura In Hiraga-gun Kakumagawa-machi Kawanishi-mura
		Kakunotate	In Akita Prefecture In Senpoku-gun Kakunotate-machi, Kamiyo-mura, Ohonai-mura, Tazawa-mura, Hikinai-mura, Saimyoji-mura, Nakagawa-mura, Kumosawa-mura, Shiraiwa-mura, Toyokawa-mura, Toyooka-mura, Nagashita-mura, Yokozawa-mura, Shimizu-mura, Nagano-machi
	Aomori	Aomori	In Aomori Prefecture Aomori City In Higashitsugaru-gun Ushirogata-mura, Okunai-mura, Shinjo-mura, Ono-mura, Arakawa-mura, Takada-mura, Tsutsui-mura, Hamadate-mura, Harabetsu-mura, Azumadake-mura, Nonai-mura, Takinai-mura, Yokonai-mura, Kominato-machi, Higashihiranai-mura, Nishihiranai-mura
		Kanita	In Aomori Prefecture In Higashitsugaru-gun Kanita-machi, Yomogida-mura, Hiratate-mura, Ippongi-mura, Imabetsu-mura, Miumaya-mura
		Ominato	In Aomori Prefecture Shimokita-gun

High Court	District Court	Summary Court	District of Jurisdiction
		Nobeji	In Aomori Prefecture In Kamikita-gun Nobeji-machi, Yokōhama-mura, Mukashō-mura, Kōchi-mura, Shichinoe-machi, Tenmabayashi-mura, Ōfukanai-mura, Uranodate-mura
		Gosho-kawara	In Aomori Prefecture Kitatsugaru-gun In Nakatsugaru-gun Niiwa-mura In Minamitsugaru-gun Hataoka-mura
		Hirosaki	In Aomori Prefecture Hirosaki City In Nakatsugaru-gun Shimizu-mura, Horikoshi-mura, Iwaki-mura, Nishi-meya-mura, Ōura-mura, Watoku-mura, Chitose-mura, Soma-mura, Fujishiro-mura, Funazawa-mura, Toyoda-mura, Komagoshi-mura, Higashimaya-mura, Takasugi-mura, Susono-mura In Minamitsugaru-gun Owani-machi, Kuradate-mura, Ikarigasaki-mura, Ishikawa-machi, Kuroishi machi, Rokugo-mura, Kodenji-mura, Onoe-machi, Suruga-mura, Daikoji-machi, Takedate-mura, Yamagata-mura, Nakago-mura, Fujisaki-machi, Asaseishi-mura, Inakadate-mura, Kashiwagi-machi, Machii-mura, Ozaki-mura, Namioka-machi, Osugi-mura, Gogō-mura, Megasawa-mura, Nozawa-mura, Jūnisato-mura, Tomikidate-mura, Tokiwa-mura
		Ajikasawa	In Aomori Prefecture Nishitsugaru-gun
		Hachinoe	In Aomori Prefecture Hachinoe City In Sannoe-gun Hashikami-mura, Otate-mura, Koregawa-mura, Ichikawa-mura, Shimamori-mura, Nakazawa-mura, Kitakawa-mura, Jibiki-mura, Tate-mura, Kaminaga-nawashiro-mura, Sannoe-machi, Kamigo-mura, Tago-machi, Tagawa-mura, Sarube-mura, Tomesaki-mura, Mukai-mura, Nakui-mura, Herasaki-mura

High Court	District Court	Summary Court	District of jurisdiction
		Sambongi	In Aomori Prefecture In Kamikita-gun Sanbongi-machi, Towada-mura, Shiwa-mura, Fujisaka-mura, Rokunoe-*mura, Shimoda-mura,* Momeishi-machi, Misawa-mura In Sannoe-gun Gonoe-machi, Kuraishi-mura, Herai mura, Nozawa-mura, Asada-mura, Kawauchi mura, Toyozaki-mura
Sapporo	Sapporo	Sapporo	In Hokkaido Sapporo City, Sapporo-gun Ishikari-gun, Atsuta-gun Chitose-gun
		Iwamizawa	In Hokkaido Iwamizawa City, Yûbari-gun In Sorachi-gun Kita mura, Kurisawa mura, Horomui mura, Mikasa-machi, Bibai-machi In Kabato-gun Tsukigata-mura, Urausu-mura
		Yûbari	In Hokkaido Yûbari City
		Takikawa	In Hokkaido Hamamasu-gun In Sorachi-gun Takikawa-machi, Sunagawa-machi, Naie mura, Ebeotsu-mura, Utashinai-machi, Ashibetsu-machi Akahira-machi In Kabato-gun Shintotsukawa mura
		Muroran	In Hokkaido Muroran City, Horobetsu-gun Shiraoi-gun
		Date	In Hokkaido Usu-gun In Abuta gun *Abuta machi, Toyoura-mura,* Tōya-mura
		Tomakomai	In Hokkaido In Yûfutsu gun Tomakomai-machi, Abira-mura Atsuma mura, Mukawa mura, Hobetsu mura
		Urakawa	In Hokkaido Urakawa gun, Mitsuishi gun Shimani-gun Horoizumi-gun
		Shizunai	In Hokkaido *Shizunai gun, Saru-gun*

High Court	District Court	Summary Court	District of jurisdiction
			Niikappu-gun
		Otaru	In Hokkaido Otaru City, Oshoro-gun Yoichi-gun, Furubira gun *Bikuni gun, Shakotan-gun*
		Iwanai	In Hokkaido Iwanai-gun, Furuu-gun
		Kutchan	In Hokkaido In Abuta-gun Kutchan-machi, Kyogoku-mura, Makkari-mura, Karifuto-mura, Rusutsu-mura, Kimobetsu-mura In Isoya gun Minamishiribetsu-mura
	Hakodate	Hakodate	In Hokkaido Hakodate City, Kameda-gun In Kamiiso-gun Kamiiso-machi
		Kikonai	In Hokkaido In Kamiiso-gun Kikonai-machi, Shiriuchi-mura, Mobetsu mura
		Matsumae	In Hokkaido Matsumae-gun
		Mori	In Hokkaido Kayabe-gun
		Yakumo	In Hokkaido Yamakoshi-gun
		Setana	In Hokkaido Setana-gun Futoro-gun Kuto-gun
		Esashi	In Hokkaido Hiyama gun Nishi gun Okujiri gun
		Suttsu	In Hokkaido Suttsu gun Utasutsu-gun Shimamaki-gun In Isoya gun Isoya-mura
	Asahi-kawa	Asahikawa	In Hokkaido Asahikawa City Kamikawa gun (Ishikarino-kuni)
		Ishikari-Fukagawa	In Hokkaido Uryu-gun In Sorachi-gun Otoe-mura
		Furano	In Hokkaido In Sorachi-gun Furano-machi, Kamifurano-*mura, Nakafurano-mura,*

High Court	District Court	Summary Court	District of jurisdiction
			Yamabe-mura, Higashiyama-mura, Minamifurano-mura, In Yūfutsu-gun Shinkappu-mura
		Nayoro	In Hokkaido Nakagawa-gun (Teshionokuni) In Kamikawa-gun (Teshiono-kuni) Nayoro-machi, Kazetsura-mura, Tayori-mura, Shimo-kawa-mura
		Shibetsu	In Hokkaido In Kamikawa-gun (Teshiono-kuni) Shibetsu-machi, Kamishi-betsu-mura, Onebetsu-mura, Kenbuchi-mura, Wassamu-mura
		Mombetsu	In Hokkaido In Monbetsu-gun Monbetsu-machi, Kamishokotsu-mura, Shoko-tsu-mura, Takinokami-mura, Okoppe-mura, Nishiokoppe-mura, Omu-mura
		Nakaton-betsu	In Hokkaido Esashi-gun
		Rumoe	In Hokkaido Rumoe-gun Mashige-gun
		Haboro	In Hokkaido Tomamae-gun
		Wakkanai	In Hokkaido Sōya-gun, Rishiri-gun, Reibun-gun
		Teshio	In Hokkaido Teshio-gun
	Kushiro	Kushiro	In Hokkaido Kushiro City, Kushiro-gun, Kawakami-gun, Akan-gun, Shironuka-gun
		Atsukeshi	In Hokkaido Atsukeshi-gun
		Obihiro	In Hokkaido Obihiro City, Kasei-gun Kawakami-gun (Tekachino-kuni), Kato-gun In Nakagawa-gun (Tokachinokuni), Makubetsu-machi
		Tokachi-Ikeda	In Hokkaido Tokachi-gun In Nakagawa-gun (Tokachinokuni),
			Ikeda-machi, Toyokoro-mura
		Honbetsu	In Hokkaido Ashoro-gun In Nakagawa-gun (Tokachinokuni) Honbetsu-machi, Nishiashoro-mura
		Hiroo	In Hokkaido Hiroo-gun
		Abashiri	In Hokkaido Abashiri City In Abashiri-gun Memanbetsu-mura, Higashimokoto-mura In Tokoro-gun Tokoro-mura
		Bihoro	In Hokkaido In Abashiri-gun Bihoro-machi, Tsubetsu-machi
		Shari	In Hokkaido Shari-gun
		Kitami	In Hokkaido Kitami City In Tokoro-gun Rubeshibe-machi, Kunneppu-mura, Oketo-mura, Ainonai-mura, Tanno-mura
		Engaru	In Hokkaido In Monbetsu-gun Engaru-machi, Ikutahara-mura, Marusebu-mura, Shirataki-mura, Kamiyubetsu-mura, Shimoyubetsu-mura In Tokoro-gun Saroma-mura
		Nemuro	In Hokkaido Nemuro-gun, Hanasaki-gun
		Shibetsu	In Hokkaido Shibetsu-gun, Notsuke-gun, Menashi-gun
Taka-matsu	Taka-matsu	Takamatsu	In Kagawa Prefecture Takamatsu City, Kagawa-gun, In Kida-gun Mure-mura, Aji-mura In Okawa-gun Shido-machi, Kamonoshō-mura, Tsuda-machi, Tsuruha-mura, Kamobe-mura, Oda-mura
			In Kagawa Prefecture In Kida-gun

High Court	District Court	Summary Court	District of jurisdiction
		Hirai	Hirai machi, Maeda-mura, Shimotakaoka-mura, Ido-mura, Kamiyama-mura, Hikami-mura, Hayashi-mura, Tanaka mura, Kawashima-mura, Sogō-mura, Mitani-mura, Nishiueda-mura, Higashiueda-mura, Kawazoe-mura In Okawa-gun Nagao-machi, Tawa-mura, Zōda-mura, Ishida-mura, Kanzaki-mura, Tomita-mura, Matsuo-mura
		Sanbonmatsu	In Kagawa Prefecture In Okawa-gun Sanbonmatsu machi, Shiratorihon-machi, Yomizu-mura, Nibu-mura, Higeta-machi, Fukue-mura, Aioi-mura, Oumi mura, Gomyo-mura, Shirotori-mura
		Takinomiya	In Kagawa Prefecture In Ayauta-gun Takinomiya-mura, Sue-mura, Yamanouchi-mura, Showa-mura, Yamada mura, Sogisho-mura, Nishibun mura, Hayukakami-mura, Hayuka-mura, Okada-mura, Kurikuma-mura, Tomikuma-mura
		Tonosho	In Kagawa Prefecture Shodo gun
		Marugame	In Kagawa Prefecture Marugame City, Sakaide City In Nakatado-gun Minami-mura, Gunge-mura, Tatsukawa-mura, Hiroshima-mura, Honjima-mura, Yoshima-mura, Tadotsu-machi, Shirakata-mura, Shika-mura, Takamijima-mura, Sanagishima-mura In Ayauta gun Utatsu-machi, Matsuyama-mura, Okoshi-mura, Kamo-mura Fuchu-mura, Hashioka-mura Toki mura, Kawanishi-mura Iino-mura, Sakamoto-mura Kawatsu mura, Hokunji mura
		Zentsuji	In Kagawa Prefecture In Nakatado-gun Zentsuji machi, Fudeoka-mura Yoshihara mura, Yokita mura Tarumi-mura, Kotohira machi, Enai-mura, Shijo-mura Zōgō-mura,

High Court	District Court	Summary Court	District of jurisdiction
			Takashino-mura, Kanno-mura, Yoshino-mura, Shichika-mura, Sogō-mura In Ayabe-gun Nagasumi-mura, Zōda mura, Miai-mura
		Kannonji	In Kagawa Prefecture Mitoyo-gun
	Tuko-shima	Tukoshima	In Tukoshima Prefecture Tukoshima City, Naruto City Myōto-gun, Katsuura-gun Myodai-gun Itano-gun
		Tokushima Tomioka	In Tokushima Prefecture Naka-gun In Kaibe-gun Nakakito-mura, Kamikito-mura, Kito-mura
		Muki	In Tokushima Prefecture In Kaibe-gun Muki-machi, Abu mura, Mikita machi Hiwasa-machi, Akagawachi-mura Asakawa-mura, Kawahiga shi mura, Tomooku-machi Kawanishi mura, Kawaka mi mura, Shishikui machi
		Wakimachi	In Tokushima Prefecture In Mima gun Waki machi, Ebara machi Iwakura-mura, Mishima-mura, Anafuki machi, Kuchiyama-mura, Furumiya mura, Sadamitsu machi Kōsato-machi, Shigekiyo-mura Handa machi, Yachi yo-mura, Habayama mura Ichiu-mura In Oe-gun Koyadaira-mura
		Tokushima Ikeda	In Tokushima Prefecture Miyoshi-gun In Mima gun Nishiiyayama-mura, Higashiiyayama mura
		Kawashima	In Tokushima Prefecture Awa gun In Oe gun Kawashima machi, Ushino-shima-mura Moriyama mura, Kamojima machi, Nishio-mura, Higashiyama mura, Gakushima mura, Yamase-machi, Kawada machi, Miyama mura, Nakaeda mura
	Kōchi		In Kōchi Prefecture Kōchi City In Tosa gun

High Court	District Court	Summary Court	District of jurisdiction
		Kōchi	Tosayama-mura, Kagami-mura, Uji-mura In Nagaoka-gun Gomen-machi, Noda-mura, Nagaoka-mura, Kokubu-mura, Okoo-mura, Kureda-mura, Amatsubo-mura, Miwa-mura, Toichi-mura, Inabu-mura, Kera-mura, Ōshino-mura, Ōtsu-mura, Kameiwa-mura, Agekura-mura In Kagami-gun Maehama-mura, Nissho-mura In Agawa-gun Ino-machi, Kaminotani-mura, Mitsuse-mura, Meiji-mura, Shimoyakawa-mura, Kamiyakawa-mura, Kiyomizu-mura, Ogawa-mura, Hata-mura, Morogi-mura, Yoshihara-mura, Nishibun-mura, Akiyama-mura, Moriyama-mura, Nisai-mura, Hirookakamino-mura, Hirookanakano-mura, Hirookashimono-mura In Takaoka-gun Mōzu-mura, Kuseka-mura, Kawauchi-mura, Takaoka-machi, Hasuike-mura, Hake-mura, Kitahara-mura, Takaishi-mura, Shin-usa-machi Heha-mura
		Motoyama	In Kōchi Prefecture In Tosa-gun Jizōji-mura, Mori-mura, Ōkawa-mura, Hongawa-mura In Nagaoka-gun Motoyama-machi, Ōsugi-mura, Higashitoyonaga-mura, Nishitoyonaga-mura, Tai-mura, Yoshino-mura
		Akaoka	In Kōchi Prefecture In Kagami-gun Akaoka-machi, Kishimoto-machi, Noichi-machi, Yasu-machi, Mirafu-machi, Yamada-machi, Ooshino-mura, Yamakita-mura, Higashikawa-mura, Nishikawa-mura, Sako-mura, Yoshikawa-mura, Iwa-mura, Meiji-mura, Ōkusuue-mura, Saoka-mura, Kataji-mura, Akatsuka-mura, Zaisho-mura, Makiyama-mura, Kaminirau-mura In Nagaoka-gun Shingai-mura
		Susaki	In Kōchi Prefecture In Takaoka-gun Susaki-machi, Ōnogō-mura, Aso-mura, Uranouchi-mura, Kamibun-mura, Kamihayama-mura, Shimohayama-mura, Higashitsuno-mura, Yuzuhara-mura, Ōnomi-mura, Kure-machi, Kaminokae-machi, Sakawa-machi, Ochi-machi, Togano-mura, Kamo-mura, Ogawa-mura, Kuroiwa-mura, Ōgiri-mura, Chōja-mura, Beppu-mura In Agawa-gun Ikekawa-machi, Ōsaki-mura, Nanokawa-mura, Yokobatake-mura
		Kubokawa	In Kōchi Prefecture In Takaoka-gun Kubokawa-machi, Niita-mura, Yōtsu-mura, Higashimata-mura, Matsubakawa-mura In Hata-gun Taisho-mura, Shōwa-mura, Tōgawa-mura
		Aki	In Kōchi Prefecture Aki-gun
		Nakamura	In Kōchi Prefecture In Hata-gun Nakamura-machi, Shimoda-machi, Saga-machi, Ōkata-machi, Higashiyama-mura, Warabioka-mura, Tomiyama-mura, Ushirogawa-mura, Kudō-mura, Higashinakasuji-mura, Yatsuka-mura, Nakasuji-mura, Ōkawasuji-mura, Mihara-mura, Shirotakawa-mura, Ekawasaki-mura, Tsudai-mura
		Sukumo	In Kōchi Prefecture In Hata-gun Sukumo-machi, Hashikami-mura, Hirata-mura, Yamana-mura, Okuuchi-mura, Kotsukushi-mura, Tsukinada-mura, Okinoshima-mura, Kiyomizu-machi, Izuta-mura, Misaki-mura, Shimokawaguchi-mura
	Matsuyama	Matsuyama	In Ehime Prefecture Matsuyama City Onsen-gun, Iyo-gun
		Kuma	In Ehime Prefecture Kamiukena-gun

High Court	District Court	Summary Court	District of jurisdiction
		Ozu	In Ehime Prefecture Kita-gun
		Yawatahama	In Ehime Prefecture Yawatahawa City Nishiuwa-gun
		Saijo	In Ehime Prefecture Saijo City, Niihama City Nii gun, Shuso-gun In Oaza-Tomoura Miyakubo-mura, Ochi-gun Kajishima, Myojinshima, Ieshima, Minoshima, Nezumishima In Uma-gun Besshiyama-mura
		Ehime-Mishima	In Ehime Prefecture In Uma-gun Mishima machi, Kawanoe-machi, Kamibun-machi, Teoma-mura, Kaburazaki-mura, Nagatsu-mura, Kofuji-mura, Doi-mura, Sekikawa-mura, Toyooka-mura, Samukawa-mura, Tomisato-mura, Kinsha-mura, Kanada-mura, Shinritsu-mura, Futana-mura, Kinsei-mura, Kawataki mura Kamiyama-mura, Mendori-mura
		Imabari	In Ehime Prefecture Imabari City Ochi gun (Except Kajishima Myojinshima, Ieshima, Minoshima, Nezumishima, In Oaza-Tomoura Miyakubo-mura)
		Uwajima	In Ehime Prefecture Uwajima City, Kitauwa-gun In Higashiuwa-gun Uwa machi, Tada-mura, Nakagawa-mura, Ishiki-mura Shimouwa mura, Tanosuji mura, Tamatsu-mura, Tawarazu-mura, Karie-mura, Takayama mura
		Nomura	In Ehime Prefecture In Higashiuwa gun Nomura-machi, Tanisuji mura, Nakasuji-mura, Kaifuki-mura, Yokobayashi-mura, Sōkawa mura, Yusugawa-mura, Doi-mura, Takagawa-mura, Uonashi-mura
		Jōhen	In Ehime Prefecture Minamiuwa-gun

Supplementary Provisions

The present law shall come into force as from July nineteenth, the twenty-second year of Showa (1947)

Any one of the summary courts established by the present law, which has the same name as a former summary court shall be deemed to be the same former summary court and the Ominato Summary Court shall be deemed to be the former Tanabu Summary Court

The cases which were received, prior to the enforcement of the present law, by the court which had hitherto jurisdiction over such cases shall be concluded by the said court

NATIONAL PUBLIC SERVICE LAW

(Law No. 120, October 21, 1947)

Contents:

Chapter I. General Provisions

Article 1. (Object of this Law) The object of this Law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards which shall be applicable to all official positions and places of employment in the national public service (the national public service as defined in this law does not include members of the Diet) and by providing that personnel shall be so selected and directed in a manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties.

Article 2. (Regular and Special Government Service) The national public service shall be divided into the regular government service and the special government service.

The regular government service shall be comprised of all positions in the national public service other than those in the special government service.

The special government service shall be comprised of the following types of positions:

1. The Prime Minister.
2. Ministers of State.
3. Director-General of the Cabinet Secretariat.
4. Deputy Director-General of the Cabinet Secretariat.
5. Director-General of the Bureau of Legislation.
6. Parliamentary Vice-Minister of each Ministry.
7. Vice-Minister of each Ministry.
8. Counselor of each Ministry.
9. President of the Construction Board and President of the Central Liaison Office.
10. Confidential Secretaries to the Prime Minister (not exceeding three in number) and other Confidential Secretaries (one for each Minister of State or head of agency included in the special government service).
11. Positions the appointment to which requires an election, resolution or consent of one or both Houses of the Diet.
12. Personnel of Government enterprises, "Kodan" and others similar thereto as designated by law or rules of the National Personnel Commission.
13. Advisers, Consultants, Committee-men and other personnel similar thereto as designated by law or rules of the National Personnel Commission.
14. Employes engaged in common labour.

15 Grand Steward, Grand Chamberlain, Chamberlains and other personnel of the Imperial House Office as designated by law or rules of the National Personnel Commission
16. Ambassadors and Ministers.
17 Judges, one Confidential Secretary to the Chief Justice of the Supreme Court and Judicial Research Officials
18 Employes of the Diet

The provisions of this Law shall apply specifically to all positions in the regular government service (to be hereinafter referred to as the service and persons holding positions therein as personnel)

The provisions of this Law shall not apply to positions in the special government service unless specifically provided by an amendment to this Law

Chapter II The National Personnel Commission

Article 3 (Installation) In order to ensure the thorough-going enforcement of this Law and attain its objectives, the National Personnel Commission shall be set up under the jurisdiction of the Prime Minister

The Commission shall take charge of the following matters

1 Integration and coordination of position classification, appointments and dismissals of personnel of the service, their compensation, pension and other personnel administration matters,

2. Matters concerning examination of personnel,

3. Other matters placed under its jurisdiction on the basis of law

Article 4 (Personnel) The Commission shall have the following personnel

Chairman
Commissioners Three
Executive Director One
Other personnel provided by Cabinet Order

Article 5 (Commissioners of the Commission) Commissioners of the Commission (to be hereinafter referred to as Commissioners) shall be appointed, with the consent of the Diet, by the Cabinet from among persons 35 years old or more, who are of highest moral character and integrity, in known sympathy with the democratic form of government and efficient administration therein based on merit principles, and possessing a wide range of knowledge and sound judgment concerning personnel administration

In case the House of Councillors does not consent to the appointment of the Commissioner despite the consent of the House of Representatives, the consent of the House of Representatives shall be taken as the consent of the Diet in the same manner as provided by Paragraph 2 of Article 67 of the Constitution of Japan

The appointment and dismissal of a Commissioner shall be attested by the Emperor

No person falling under one of the following specifications shall be appointed as Commissioner

1 A person who has been adjudicated incompetent, quasi-incompetent, or bankrupt and has not yet been rehabilitated,

2 A person who has been sentenced to a penalty heavier than imprisonment without hard labour by the criminal court or who has been punished upon conviction of an offense prescribed in Chapter IV,

3 A person who falls under one of the specifications mentioned in Item 3 or Item 5 of Article 38

No person shall be eligible for appointment as a Commissioner who has been a candidate for national or prefectural elective public office or who is or has been an officer of a political party within one year previous to the proposed date of appointment, as provided by rules of the Commission

With respect to the appointment of Commissioners, no two persons among them shall be members of the same political party or graduates of the same professional subdivision of the same department of the same university or high school (in universities where there is no professional sub-division, graduates of the same department)

Article 6 (Oath Taking and Performance of Duties) After he has been appointed as a Commissioner, the new incumbent shall not exercise the powers pertaining to his office until he has signed a written oath before the Chief Justice of the Supreme Court, as provided by rules of the Commission

The provisions of Section VII of Chapter III shall apply correspondingly to Commissioners

Article 7 (Term of Office) The term of office of a Commissioner shall be four years However, a Commissioner who is appointed to fill a vacancy shall remain in office during the unexpired portion of the term of his predecessor

A Commissioner may be reappointed However, he shall not remain in office continuously for a period exceeding 12 years

A person who has been a Commissioner shall not be eligible to appointment to any position in any agency of the National Government other than the Commission for one year after the termination of his service as Commissioner Exceptions, however, may be authorized by rules of the Commission

Article 8. (Retirement and Removal from Office) A Commissioner shall automatically retire from office when he falls under one of the following specifications

1. When he has come under one of the instances mentioned in Paragraph 4 of Article 5,

2. When his removal from office is affirmed on public impeachment proceedings based on charges filed by the Prime Minister,

3. When he has been continuously in office as a Commissioner for 12 years.

The causes for impeachment prescribed in Item 2 of the preceding paragraph shall be as follows:

1. When he is mentally or physically incompetent to perform official duties;

2. When he has acted contrary to the duties of his position or is guilty of such malfeasance as to render himself unfitting to be Commissioner.

In cases when two persons or more among Commissioners have come to belong to the same political party, all except one person shall be removed from office, with the consent of the Diet, by the Cabinet. However, in cases specifically provided by rules of the Commission, a Commissioner may be immediately removed by the Cabinet.

The provision of the preceding paragraph shall not jeopardize the position of a Commissioner who has not changed his political status in regard to party affiliations.

The provision of Paragraph 2 of Article 5 shall apply correspondingly to the instances specified in Paragraph 3.

Except the cases mentioned in Paragraph 3, no commissioner shall be removed from office against his will.

Article 9. (Impeachment of Commissioner) Proceedings for impeachment of a Commissioner shall be conducted by the Supreme Court.

When the Prime Minister intends to bring impeachment action against a Commissioner, he shall file charges in writing setting forth the alleged offense, both in general and particular, and submit them to the Supreme Court.

In the case of the preceding paragraph, the Prime Minister shall forward a copy of the charges mentioned in the same paragraph to the accused Commissioner.

The Supreme Court shall set a date for hearing not less than thirty days and not more than ninety days after the filing of the charges mentioned in Paragraph 2, and notify the Prime Minister and the accused Commissioner at least thirty days in advance of the date set for hearing.

The Supreme Court shall announce its findings within one hundred days after the original date of hearing.

The proceedings for impeachment of Commissioners shall be provided by rules of the Supreme Court.

Costs of hearings shall be borne by the national treasury.

Article 10. (Salary) A Commissioner shall be paid a salary corresponding to that of a Minister of State.

Article 11. (Chairman of the Commission) The Chairman of the Commission (to be hereinafter referred to as the Chairman) shall be appointed by the Prime Minister from among Commissioners.

The Chairman shall preside over the affairs of the Commission and represent the Commission.

When the Chairman is unable to be attached to his duties or if his post is vacant, a senior Commissioner shall act for the Chairman in the performance of his duties.

Article 12. (Commissioners' Conference) In the Commission there shall be set up a Commissioners' Conference which is composed of the Commissioners. The Executive Director of the Commission shall be present at the Commissioners' Conference as Executive Secretary.

When exercising the powers enumerated below, the Commission shall require a resolution of the Commissioners' Conference:

1. The enactment, amendment, or abrogation of rules of the Commission;

2. Recommendations to the head of the appropriate agency of government as specified in Article 22;

3. Submitting opinions of the Commission to the Prime Minister as specified in Article 23;

4. Report to the Prime Minister as specified in Article 24;

5. Drafting of a position classification plan as specified in Article 29;

6. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied in Article 37);

7. Designation of examining bodies as specified in Article 48;

8. Approval of temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications, and cancellation of temporary employment as specified in Article 60;

9. Drafting of a pay plan as specified in Article 63;

10. Preparation of revisions of the pay plan as specified in Article 67;

11. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72;

12. Evaluation of a case as specified in Article 87;

13. Evaluation of action and submitting a report to the Prime Minister as specified in Article 92;

14. Drafting of important matters concerning compensation as specified in Article 95;

15. Evaluation of a protest as specified in Article 103;

16. Drafting of important matters concerning pension as specified in Article 108;

17. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

Regular meetings of the Commissioners' Conference shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the Commission.

Proceedings at a meeting of the Commissioners' Conference shall be recorded in its minutes.

The minutes specified in the preceding paragraph shall

be prepared by the Executive Secretary.

Necessary determinations concerning the proceedings of the Commissioners' Conference shall be provided by rules of the Commission

Article 13 (Secretariat of the Commission and other agencies) The Commission shall have a Secretariat, which shall take charge of general affairs concerning matters under the jurisdiction of the Commission.

The Commission may establish local offices with the approval of the Diet

Article 14 (Executive Director of the Commission) The Executive Director of the Commission shall, under the direction and supervision of the Chairman, take charge of the affairs of the Secretariat, and act as the Executive Secretary of the Commissioners' Conference and Chairman of the National Personnel Council

Article 15 (Prohibition of Personnel of the Commission from holding concurrent Positions) No Commissioner and Executive Director shall hold any concurrent position in the service other than that in the Commission

Article 16 (Rules of the Commission) The Commission shall, with the approval of the Prime Minister, make rules concerning matters necessary for the execution of this Law

Rules of the Commission shall be published by the Prime Minister in the *Official Gazette*

Article 17 (Investigation) The Commission, or any person or persons designated by the Commission may conduct investigations of an employment situation involving personnel of the service, the condition of personnel management and other matters related to personnel administration

The Commission, or person or persons designated in accordance with the provision of the preceding paragraph, may, when necessary in conducting the investigations specified therein, subpoena witnesses or demand the presentation of books and records or copies thereof pertinent or alleged to be pertinent to any investigation or hearing

Article 18 (Control of Delivery of Compensation) The Commission shall control delivery of compensation to personnel of the service

Article 19 (Personnel Records) The Commission shall administer matters concerning personnel records relating to personnel of the service

The Commission shall prescribe that the Prime Minister's Office and any ministries or agencies of government prepare and maintain personnel records inclusive of all particulars relating to personnel of the agencies of government concerned

The particulars to be entered in personnel records, the form thereof, and other necessary determinations concerning personnel records shall be provided by rules of the Commission

Where it is deemed that the personnel records prescribed in Paragraph 2 are contrary to the rules of the Commission, the Commission may order revisions and such other steps as may be called for

Article 20. (Statistical Reporting) The Commission shall, as provided by rules of the Commission, prescribe and administer a system of statistical reporting concerning employment in the service.

When it is necessary in connection with the statistical reporting mentioned in the preceding paragraph, the Commission may require any appropriate agency of government to give required information on request or at specified time and in specified form

Article 21 (Delegation of Functions) Of the functions prescribed in this Law, the Commission may delegate unimportant functions to other agencies of government Even in these cases, the Commission shall not be free from responsibility in regard to the exercise of such functions

Article 22 (Recommendations for Improvement of Personnel Administration) The Commission may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration

The Commission may make recommendations to any appropriate minister or head of another agency of government concerning the change of placement and transfer of personnel between the various ministries or agencies of the National Government so as to contribute to the improved efficiency of administrative operations throughout the Government.

In the cases of the preceding two paragraphs, the Commission shall submit a due report thereon to the Prime Minister

Article 23 (Advice on Enactment, Amendment or Abrogation of Laws and Orders) If, in order to assure the realization of the objective of this Law, the Commission has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister

Article 24 (Report on Business) The Commission shall, as provided by the Prime Minister, make an annual report to the Prime Minister of its activities and accomplishments covering each fiscal year of operation

The Prime Minister shall publish the report mentioned in the preceding paragraph

Article 25. (Directors of Personnel) In the Prime Minister's Office, the various ministries and other agencies of the government designated by rules of the Commission, there shall be, as a member of its staff, a Director of Personnel.

The Director shall be head of a bureau or division in charge of business pertaining to personnel functions, and assist the head of the agency of government concerned by taking charge of business pertaining to personnel functions

Article 26 (National Personnel Council) In order to ensure close contact and mutual cooperation concern-

ing the enforcement of this Law between the Commission and the Prime Minister's Office, the various ministries and other agencies of government, there shall be set up in the Commission a National Personnel Council.

The National Personnel Council shall be composed of a Chairman and members.

The Chairman shall be the Executive Director and members shall be the Directors specified in the preceding Article.

The National Personnel Council may submit recommendations to the President on important matters relating to personnel administration.

Except as prescribed in the preceding four paragraphs, necessary determinations concerning the National Personnel Council shall be provided by rules of the Commission.

Chapter III. Standard for the Service

Section I. General Rules

Article 27. (Principles of Equal Treatment) In the administration of this Law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status or family origin.

Article 28. (Principle of Meeting Changing Conditions) The standards concerning compensation, hours of work and other working conditions to be established under this Law may from time to time be changed to meet changing conditions under procedures to be determined by the Diet.

Section II. Position Classification Plan

Article 29. (Establishment of Position Classification Plan) The position classification plan shall be prescribed by law.

The Commission shall develop a position classification plan whereby all positions in the service are classified by classes determined according to the kinds of duties and by grades according to the degrees of complexity of duties and responsibilities involved.

In the position classification plan, classification of positions shall be so effected that the same qualifications may reasonably be required for and the same schedules of basic pay may be applied equitably to all positions in the same grade and class.

The plan as provided in the preceding three paragraphs shall be submitted to the Diet for approval before the enforcement of this Law.

Article 30. (Enforcement of the Position Classification Plan) The position classification plan shall be gradually enforced, commencing first with segments where it is practicable.

Except as prescribed in this Law, determinations necessary for the enforcement of the position classification plan shall be provided by rules of the Commission.

Article 31. (Allocation of Positions) In the event of enforcing the position classification plan, the Commission shall, as provided by rules of the Commission, allocate to one of the grades of a class of the position classification plan every position to which such plan is applicable.

The Commission shall, as provided by rules of the Commission, review at any time the allocations prescribed in the preceding paragraph, and revise them, where deemed necessary.

Article 32. (Prohibition of Classification of Positions by other than the Position Classification Plan) In regard to positions to which the position classification plan is applicable, no classification of positions on any basis other than the position classification plan shall be made as the basis for the development and application of qualification standards for employment and the payment of compensation.

Section III. Examination, Appointment and Dismissal

Article 33. (Basic Standard for Appointment and dismissal) Appointment and dismissal of a person in the service shall be made entirely on the basis of the result of his examination and the merit of his performance of duties or other demonstrated abilities.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

Part 1. General Rules

Article 34. (Definition of Employment, Initial Appointment, Promotion, Demotion and Transfer) Employment as referred to in this Law is defined as the appointment of any person to any position in the service by any of the following means: initial appointment, promotion, demotion and transfer.

An initial appointment as referred to in this Law is defined as an appointment of a person to any position in a class by any means other than by promotion, demotion or transfer.

A promotion as referred to in this Law is defined as the assignment of a person to a position in the same class

in a grade higher than he is holding.

A demotion as referred to in this Law is defined as the assignment of a person to a position in the same class in a grade lower than he is holding

A transfer as referred to in this Law is defined as the assignment of a person to a position in the same grade and class in a different subdivision of the same organization or a different organization in the service

Article 35 (Method of filling Vacancies) When a vacancy occurs in the service, an appointing officer, except as specially provided by law or rules of the Commission, may appoint a person by any one of the following means transfer, initial appointment, promotion or demotion This shall not, however, apply to cases where the Commission recognizes the special necessity and [illegible]

grade or grades of a class or classes of positions prescribed by rules of the Commission, the approval of the Commission has been obtained, this provision shall not preclude such initial appointment by means of an evaluation of demonstrated abilities other than by competitive examination

The evaluation specified in the proviso of the preceding paragraph shall be conducted by the Commission or an evaluating body appointed by the Commission in accordance with standards established by the Commission

Without prejudice to the provisions of the preceding two paragraphs, initial appointments of personnel to a position may be made from among persons who have previously held a position of the same or higher grade in the same class, as provided by rules of the Commission

Article 37 (Method of Promotion) Promotion of personnel shall be by competitive examination (to be hereinafter referred to as examination) among incumbents of positions in the next lower grade of the same class to which the promotional position under consideration belongs This provision shall not, however, preclude the Commission from restricting the scope of persons to be examined, at the request of an appointing officer, to employees under his jurisdiction

In cases where, in view of the duties and responsibilities of the position to which appointment is to be made, the Commission deems it impracticable to hold an examination among the incumbents concerned, promotion may be made by means of an evaluation based on the past service record of such incumbents

The provision of Paragraph 2 of the preceding Article shall apply correspondingly to the instances of the evaluation under the preceding paragraph

Article 38 (Provisions for Disqualification) No person falling under one of the following types of cases shall be eligible to appointment in the service, except as provided by rules of the Commission or quasi-incompetent

1 A person who has been adjudicated incompetent or quasi-incompetent,

2 A person who has been sentenced to a penalty heavier than imprisonment without hard labor by the criminal court, and of whom the execution of the sentence has not been completed or who has not yet ceased to be amenable to the execution of the sentence,

3 A person who was dismissed by disciplinary decision and of whom a period of two years has not expired since the date of dismissal,

4 A Commissioner or Executive Director who has committed a crime prescribed in Article 109, Item 3 of Article 110 and has been convicted,

5 A person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or association which advocated the overthrow by force of the Constitution of Japan or the Government existing thereunder

Article 39 (Prohibition of Illegal Acts concerning Personnel Matters) No person shall, for the purpose of realizing any one of the items mentioned below, pay or receive or offer or solicit or promise to pay or receive money or other benefit, or use threat, coercion or other similar method, or, directly or indirectly, use or offer or demand or promise to use public office or be in any way concerned with such acts

1 Resignation, temporary retirement or failure to accept appointment,

2 Withdrawal of his application for examination or appointment, or suspension of competition for appointment,

3 Effecting or recommending employment, promotion, retention in employment or other advantage in the service

Article 40 (Prohibition of Acts of Fraud concerning Personnel Matters) No person shall make any false or dishonest statement, record, certificate, mark rating, evaluation or report with regard to any examination, evaluation, personnel record or appointment

Article 41 (Prohibition against Obstructing the Right to Examination of Appointment and Furnishing of Information) No person belonging to any examining body or other personnel in the service shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of favorably affecting or discrimination against the rights or prospects of any person with respect to examination or appointment in the service.

Part 2 Examination

Article 42 (Instances of Holding Examination) Examination shall be held, as provided by rules of the Commission, according to grade or grades of a class or classes of positions

Article 43 (Disqualifications for Examination) Persons who are ineligible to appointment for reasons other

than those specified in Article 44 shall not compete in an examination.

Article 44. (Prerequisites of Eligibility for Examination) For persons intending to compete in an examination, objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of a grade or grades of a class or classes of positions involved, shall be determined as prerequisites by rules of the Commission.

Article 45. (Content of Examination) Each examination shall have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the grade and class of positions concerned, and shall be practical in character.

Article 46. (Entrance Examination to be Open and Equal) Entrance Examinations shall be open and on equal terms to any citizen who possesses the minimum qualifications determined as prerequisites by rules of the Commission.

Article 47. (Announcement of Entrance Examination) Announcement of entrance examinations shall be given publication by means of Official Notification.

The announcement of examination of the preceding paragraph shall set forth the duties and responsibilities of the grade and class of positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, the subjects of examination and the individual weights thereof, the time and place of examination and where, when and how necessary application forms may be secured and filed and other qualifying procedure observed and such other information as the Commission may deem pertinent.

The Official Notification prescribed in Paragraph 1 shall, as provided by rules of the Commission, be given publicity in such a way that all pertinent details relating to the examination in view may unfailingly become known to all persons presumably qualified for such examination.

The Commission shall at all times exercise diligence in the efforts to secure adequate participation of presumably qualified persons in examinations.

Article 48. (Examining Bodies) Examinations shall, as provided by rules of the Commission, be conducted only by examining bodies determined by the Commission.

Article 49. (Time and Place of Examination) The time and place of examinations shall be so decided that they may be reasonably accessible to any qualified citizen in the country.

Part 3. Employment Eligible Lists

Article 50. (Preparation of Eligible List) In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotional eligible lists) shall be prepared by grade and class of positions, as provided by rules of the Commission.

Article 51. (Persons to be entered in Entrance Eligible List) The names and examination scores of those who have achieved the qualifying score or better under entrance examination shall be entered in the entrance eligible list in the precise order of their examination scores as eligible to appointment to the appropriate positions in the grade and class covered by the list.

Article 52. (Persons to be entered in Promotional Eligible List) The names and examination scores of those who have achieved the qualifying score or better in promotion examinations shall be entered in the promotional eligible list in the precise order of their examination scores as eligible to promotion to the appropriate positions in the grade and class covered by the list.

Article 53. (Inspection of Eligible List) Employment Eligible Lists shall be at all times open to inspection of the persons examined, appointing agencies of government and other interested parties upon demand.

Article 54. (Cancellation of Eligible List) The Commission may, at its discretion, cancel, either in whole or in part, eligible lists which have been in use for over one year or at any time for one of the causes prescribed by the Commission.

Part 4. Employment

Article 55. (Appointing Officer) Appointment to a position in the service, whether as the result of entrance examination, promotion examination, or other qualifying procedure, shall be made only by an appointing officer.

Except as specifically prescribed by Law, the appointing power shall be vested with the Cabinet, the Prime Minister, various ministers, heads of other administrative agencies of government according to the grades of positions provided by Cabinet Order.

The appointing officer who is the head of an administrative agency of government prescribed in the preceding paragraph, may delegate such appointing power only to a high official of such agency, as provided by Cabinet Order.

Article 56. (Method of Appointment from Entrance Eligible List) Initial appointment from an entrance eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

Article 57. (Method of Promotion from Promotional Eligible List) Promotion of personnel from a promotion eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

Article 58. (Recommendation of Eligibles for Employment) In cases where the appointing officer desires to fill an authorized vacancy by initial appointment or promotion and makes due application therefor, the Commission shall, as prescribed by rules of the Commission, submit the required number of eligibles prescribed in the preceding two Articles for the employment in view from among those entered in the appropriate employment eligible lists.

Article 59. (Conditional Period of Initial Appoint-

ment) Any initial appointment to the grade or class prescribed by rules of the Commission shall be considered conditional and shall become regular only after the appointee shall have served in the position concerned a period of not less than six months during which he shall have performed satisfactorily the duties of that position

Necessary determinations concerning conditional initial appointment shall be provided by rules of the Commission

Article 60 (Temporary Employment) An appointing officer, as provided by rules of the Commission, may effect, with the approval of the Commission, temporary appointments each not to exceed six months in duration, in emergencies, to positions of an essentially temporary and transitory nature or in instances when an eligible list has not been established by the Commission In such cases, temporary appointment may, with the approval of the Commission, be renewed once for an additional period of six months, as provided by rules of the Commission, but not more than once

The Commission may, with respect to temporary appointment, limit by grade and class of positions the number of such appointments and specify qualifications of personnel so employed

The Commission may cancel any temporary appointment which violates provisions of the preceding two paragraphs

Temporary appointment shall not in any way confer the right to or preference in selection for permanent employment

Except as prescribed in the preceding four paragraphs, this Law, Cabinet Orders issued thereunder and rules of the Commission shall apply to temporary appointees

Part 5 Temporary Retirement, Reinstatement, Retirement and Dismissal

Article 61 (Temporary Retirement, Reinstatement, Retirement and Dismissal) The temporary retirement, reinstatement, retirement and dismissal of personnel of the service shall be effected by the appointing officer

Section IV Compensation

Article 62. (Basic Standard for Compensation) Personnel of the service shall be compensated on the basis of the duties and responsibilities of their positions

The purport of the provision of the preceding paragraph shall be achieved as quickly as possible and insofar as practicable giving due consideration to existing practices

Part 1 Pay Plan

Article 63 (Delivery of Compensation under Pay Plan) The Compensation to personnel of the service shall be effected under a pay plan prescribed by law, and, unless provided therein, no money or valuable thing of any kind may be given as compensation

The Commission shall conduct necessary investigations and studies and, as a result thereof, draft and submit to the Prime Minister a pay plan conforming to the position classification plan

Article 64 (Compensation Schedule) A compensation schedule shall be provided in the pay plan

In the compensation schedule, there shall be clearly specified by a fixed range of variation the amount of pay for each grade, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other pertinent factors.

Article 65 (Matters to be provided in Pay Plan) In addition to the compensation schedule of the preceding Article, the following items shall be provided in the pay plan Matters concerning

1 Standards for an increase of pay within a same grade,

2 Compensation of positions upon the initial application of the position classification plan,

3 Compensation for overtime, night and holiday work,

4. Allowances for service in specially designated areas, for hazardous jobs and other extraordinary services.

5 Adjustments of compensation by the Commission in regard to positions not requiring full-time service, those for which the facilities necessary for living are wholly or partly supplied at official expense, and others with special working conditions

The standards of Item 1 of the preceding paragraph shall be determined after taking into consideration length of service, efficiency of service and such other service connected factors

Article 66. (Determination of Amount of Compensation) Each person in the service shall be paid at one of the rates set forth in the pay plan for the grade and class of the position in which he is employed

In determining the basic pay plan, no discrimination of any kind shall be made by non-service connected factors

Article 67 (Revision of Pay Plan) The Commission shall at all times conduct necessary investigations and studies concerning the pay plan and shall, as frequently as it deems such action necessary, prepare and submit to the Prime Minister any revisions, either upward or downward, of the compensation schedules

Part 2. Delivery of Compensation

Article 68 (Payroll) A person or persons who deliver compensation of any kind to personnel of the service shall first prepare a payroll in regard to a recipient or recipients.

Payrolls shall be kept available for examination by

personnel of the Commission at any time.

Except as prescribed in the preceding two paragraphs, necessary determinations concerning payrolls shall be provided by Cabinet Order and rules of the Commission.

Article 69. (Auditing of Payroll) Where it is necessary to ensure that delivery of compensation is conducted in compliance with law, order or rules of the Commission, the Commission may audit payrolls or order corrections when it is deemed necessary.

Article 70. (Action against Illegal Payment) In case it is discovered that compensation is paid contrary to law, order or rules of the Commission, the Commission besides taking appropriate steps in regard to the matters under its own jurisdiction, shall, if it is deemed necessary, according to its nature report the case to the Board of Audit or the public procurator for action.

Section V. Efficiency

Article 71. (Basic Standard for Efficiency) Personnel of the service shall have their efficiency fully developed and increased.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard of the preceding paragraph shall be provided by rules of the Commission.

The Commission shall conduct necessary investigations and studies concerning programs which will develop and increase the efficiency of personnel of the service and take appropriate steps to assure the installation of such programs.

Article 72. (Evaluation of Work Performance) The performance on duty of personnel of the service shall be periodically evaluated by the head of the administrative agency of government where they are employed, who shall take such appropriate action as the result of valuation may call for.

The Commission shall have the power of making necessary determinations concerning the evaluation mentioned in the preceding Article and records thereof and of recommending to the head of the appropriate administrative agency such action consistent with this Law as may be calculated to develop and improve the efficiency of the personnel of the service.

The Commission shall draw up plans concerning recognition for efficient performance and measures for correcting failure to perform efficiently, and submit them to the Prime Minister.

Article 73. (Programs for improving Efficiency) For the purpose of developing and improving the efficiency of persons in the service, the Commission and the head of the appropriate administrative agency involved shall formulate and exercise diligence in administering programs conerning:

1. Education and training of personnel;
2. Health of personnel;
3. Recreation of personnel;
4. Safety of personnel;
5. Welfare of personnel.

In regard to the formulation and administration of the programs of the preceding paragraph, the Commission shall be responsible for their overall planning, their integration and coordination with the appropriate agencies involved and surveillance over such agencies.

Section VI. Status, Disciplinary Punishment and Guarantee

Article 74. (Basic Standard for Status, Disciplinary Punishment and Guarantee) In regard to their status, disciplinary punishment and guarantee, personnel of the service shall be treated equitably.

Except as prescribed by this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

Part 1. Status

Article 75. (Guarantee of Status) Personnel of the service shall not, against their will, be demoted or be temporarily retired or be dismissed, unless they come under one of the causes provided by law.

Personnel of the service shall suffer reduction of pay grade when they come under one of the causes prescribed by rules of the Commission.

Article 76. (Forfeiture of Office due to Disqualification) When a person in the service falls under one of the cases as specified in Article 38, he shall automatically forfeit his office, except as provided by rules of the Commission.

Article 77. (Removal from Office by Impeachment) Provisions for impeachment of persons in the service shall be prescribed by law.

Article 78. (Instances of Demotion and Dismissal against His Will) In cases where a person in the service falls under one of the following cases, he may be demoted or dismissed against his will, as provided by rules of the Commission:

1. When his performance on duty fails to show any merit;

2. When due to mental or physical debility, he has difficulty or is incompetent to perform official duties;

3. When otherwise he lacks the qualifications for fitness required for positions of a grade or grades or a class or classes.

Article 79. (Instances of Temporary Retirement against His Will) In cases where a person in the service falls under one of the following cases, he may be tem-

porarily retired against his will

1 When he requires a prolonged period of rest due to mental or physical debility,

2 When he is prosecuted with respect to a criminal case

Article 80 (Effect of Temporary Retirement) The period of temporary retirement in any case as specified in Item 1 of the preceding Article shall be one year, if the debility ceases to exist during the period of temporary retirement, the reinstatement shall be ordered forthwith, while a person who still remains temporarily retired on the expiration of the prescribed period shall automatically be treated as retired

The period of temporary retirement in any case as specified in Item 2 of the preceding Article shall be the same as the inherence of the case in question with the law court concerned

While still retaining his status in the service, a person who is temporarily retired does not attend to his official duties During his temporary retirement, he shall receive one-third of his pay

Article 81 (Exceptions to Application) In regard to the status of personnel mentioned below, the provisions of Article 75, Article 78 to the preceding Article inclusive and Articles 89 to 92 inclusive shall not apply

1 Temporary personnel,

2 Personnel in conditional period of initial appointment,

3 Personnel who become supernumeraries or whose positions are abolished due to an amendment or abrogation of the law concerning the official organization or of the fixed number of personnel or as a result of a reduction in budget,

4 Persons who, in consequence of a revision of the allocation of positions by the classification plan, suffer the same result as a reduction of pay grade or demotion

In regard to the status of personnel enumerated in various items of the preceding paragraph, necessary determinations may be provided by rules of the Commission

As to which of the persons enumerated in Item 3 of Paragraph 1 shall be demoted, or be temporarily retired or dismissed, the decision shall be made on the basis of the merit of their performance on duty and other demonstrated abilities

Part 2 Disciplinary Punishment

Article 82 (Instances of Disciplinary Punishment) When he falls under one of the following cases, a person in the service may, as disciplinary punishment, be dismissed, suspended from duty, suffer reduction in pay or administration of a reprimand

1 When he has acted contrary to this Law or rules of the Commission,

2 When he has acted contrary to the duties of his position or has neglected his duties,

3 When he is guilty of such malfeasance as to render himself unfitting to be a servant of the community

Article 83 (Effect of Disciplinary Punishment) The period for suspension of duty shall range from one month to one year

While still retaining his status in the service, a person who is suspended from duty does not attend to his official duties While he is suspended from duty, he shall receive one-third of his pay

In case of reduction in pay, less than one-third of his pay shall be deducted for a period ranging from one month to one year

Article 84. (Administrator of Disciplinary Punishment) Disciplinary punishment shall be administered by an appointing officer

Article 85 (Relations with Criminal Court) While a case which is to be subjected to disciplinary punishment is in the criminal court, no disciplinary proceedings may be taken on the same case

Part 3 Guarantee

Division 1. Application for Administrative Action on Working Conditions

Article 86 (Application for Administrative Action on Working Conditions) Personnel of the service may present application to the Commission relative to salary, wages, or any of the working conditions, and ask that they be accorded appropriate administrative action by the Commission or the head of an employing agency of government

Article 87 (Review and Evaluation of Case) When the application specified in the preceding Article is received, the Commission shall conduct such investigations, hearings or other fact finding operations as may in its discretion be necessary, and evaluate the situation with due regard to fairness to the public and all persons concerned and in terms of maintaining and improving the efficiency of personnel of the service

Article 88 (Action to be taken as a Result of Evaluation) When the Commission considers action necessary in regard to working conditions on the basis of the evaluation specified in the preceding Article, it shall take its own action on the matters under its jurisdiction, and recommend to the head of an appropriate agency of government to take action in regard to other matters.

Division 2 Review of Disadvantageous Action taken against the Will of Personnel

Article 89. (Delivery of Written Statement of Charges for Reduction of Pay Grade, etc , taken against the Will of Personnel) When a person in the service, against his will, has his pay grade reduced, or is demoted, temporarily retired, dismissed or otherwise subjected to greatly disadvantageous action, or is about to be administered disciplinary punishment, he shall at the time of such

action be given by the officer taking such action a written statement of charges fully setting forth the reasons therefor.

In cases where a person in the service considers that he has been subjected to greatly disadvantageous action specified in the preceding paragraph, he may demand delivery of the written statement of charges mentioned in the same paragraph.

Article 90. (Appeal for review) The employee subject to the action specified in Paragraph 1 of the preceding Article may, within thirty days after he has received the written statement of charges, appeal to the Commission for review thereof.

Article 91. (Investigation) On receipt of the appeal specified in the preceding Article, the Commission, or an agency or agencies designated by the Commission, shall promptly investigate the case.

In the cases specified in the preceding paragraph, if the employee subject to the action demands a hearing, such hearing shall be accorded. If requested by the employee concerned, the hearing shall be a public hearing.

The officer who took the action or his representative and the employee subject to the action may appear at all hearings, be represented by counsel of their own choosing, be heard and present witnesses, books, records and any pertinent facts and data.

Persons other than those mentioned in the preceding paragraph may present to the Commission any facts and data concerning the case.

Article 92. (Action to be taken as a Result of Investigation) If, as a result of the investigation specified in the preceding Article, the validity of the charges is established, the Commission shall confirm the action of the employing agency of government.

If, as a result of the investigation specified in the preceding Article, it is established that the action taken is at variance with the facts or otherwise is not justified, the Commission shall, in regard to the cancellation or revision of the original action, the restoration of employment rights to the person involved, the correction of any injustice that may have been done him by reason of such inaccurate accusation, and the reimbursement of any compensation lost by reason of such inaccurate accusation, take its own action for the matters under its jurisdiction, and shall, in regard to others, submit a report to the Prime Minister giving its views thereon.

Upon receipt of the report specified in the preceding paragraph, the Prime Minister shall, in compliance with such report, take such appropriate action as to give necessary direction, etc., to the head of the employing agency of government to which the employee involved is attached.

Division 3. Compensation for Injury and Disease Incurred in Line of Duty

Article 93. (Compensation for Injury and Disease Incurred in Line of Duty) In case a person in the service dies, is injured or incurs disease in line of duty or dies as the result thereof, a system of compensating the employee concerned and his immediate dependents for damage resultant of any such incident, shall be established and enforced.

The compensation system specified in the preceding paragraph shall be provided by law.

Article 94. (Matters to be provided in Law) In the compensation system mentioned in the preceding Article, the following matters shall be provided:

1. Protection of the employee concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty;
2. Compensation of the employee for permanent or prolonged damage to his earning capacity resultant of injury or disease incurred in line of duty;
3. In the event of the death of the employee resultant of injury or disease incurred in line of duty, compensation for damage sustained by the surviving members of his family or those who maintain their living by an income of the employee at the time of his death.

Article 95. (Responsibility of the Commission for Drafting Compensation System) The Commission shall conduct essential studies in regard to the compensation system as soon as practicable, and submit its recommendations thereon to the Prime Minister.

Section VII. Performance on Duty

Article 96. (Basic Standard for Performance on Duty) Any person in the service, as a servant of the community, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard specified in the preceding paragraph shall be provided by rules of the Commission.

Article 97. (Subscription to Oath) Personnel of the service shall subscribe to the oath of office, as provided by rules of the Commission.

Article 98. (Duty to Obey Laws and Orders and Orders of Superiors) Personnel of the service in the performance of their duties shall comply with laws and orders and observe the orders of their superiors on matters pertaining to the performance of their official duties. They may, however, express their opinions regarding the orders of their superiors.

Article 99. (Prohibition of Acts Causing Loss of Credit) No person in the service shall act in such a way as to cause the loss of credit of his position or reflect adversely on the national public service.

Article 100 (Duty to Preserve Secrecy) A person in the service shall not divulge any secret which may have come to his knowledge in the performance of his duties This shall also apply after he has retired from office

In case a person in the service is to make a statement concerning any secret in respect of his duties as a witness or an expert witness prescribed by law or order, he shall require the permission of the head of his employing agency of government (or in the case of a retired employee, the head of the agency of government having jurisdiction over tho position he held at the time of retirement or any position similar thereto)

The permission referred to in the preceding paragraph shall not be refused, except under conditions and procedures provided by law or rules of the Commission

Article 101 (Undivided Attention to Duty) Personnel of the service, except in cases authorized by the head of their employing agency of government because of special circumstances, shall give their full working time and occupational attention to the duties of their public position

Article 102 (Restriction of Political Activities) No person in the service shall solicit, or receive, or be in any manner concerned in soliciting or receiving any subscription or other benefit for any political party or political purpose

No person in the service shall be a candidate for elective public office in cases provided by rules of the Commission

No person in the service specified by law or rules of the Commission shall be an officer of any political party or political organization

Article 103 (Exclusion from Private Enterprise) A person in the service shall not concurrently hold a position therein and a position of an officer, adviser or councillor in any company or other organization established for the purpose of carrying on any commercial, industrial or financial or other private enterprise aiming at pecuniary gain (to be hereinafter referred to as profit-making enterprise), nor shall he carry on, on his own account, any enterprise which aims at pecuniary gain.

No person who was in the service shall, for a period of two years after leaving the service, accept an appointment involving representation of a profit-making enterprise which is closely connected with the duties of the public position he held for two years prior to retirement

The provisions of the preceding two paragraphs shall not apply to cases wherein approval is given by the Commission on the recommendation of the head of the employing agency of government, as provided by rules of the Commission

With respect to a profit-making enterprise, when a person in the service holds stocks, shares or other interests therein to such a degree as to be in a position to participate in the management of such enterprise, the Commission may call upon such employee to submit a report regarding his holdings of stocks, shares and other interests, as provided by rules of the Commission

When the Commission, on the basis of the report specified in the preceding paragraph, considers it inappropriate for the person concerned to continue the holdings in question in the performance of his duties, it may serve notice to the employee to the same effect, as provided by rules of the Commission

Upon receipt of the notice mentioned in the preceding paragraph, if the employee concerned has objection to the substance thereof, he may file a protest with the Commission within thirty days after he has received the said notice

The provisions of Paragraphs 2 and 3 of Article 91 shall apply correspondingly to the instances of protest as specified in the preceding paragraph

An employee who has not filed any protest as specified [illegible] Commission or relinquish his position, as provided by rules of the Commission

Article 104 (Restriction of Participation in Other Undertaking or Business) If a person in the service is, in consideration of an honorarium, concurrently to hold a position therein and a position of an officer, adviser or councillor in any undertaking other than a profit-making enterprise, or to engage in any other undertaking or to carry on business, the permission of the head of the employing agency of government shall be required

Article 105 (Scope of Duties of Personnel) Apart from taking charge of duties prescribed by law or order, personnel of the service as such shall assume no other obligation whatever

Article 106 (Conditions of Work) Necessary determinations concerning conditions of work and other matters pertinent to the performance of duties may be provided by rules of the Commission

The rules of the Commission mentioned in the preceding paragraph shall be consistent with the purport of this Law

Section VIII. Pension to Retired Employees

Article 107 (Basic Standard for Pension to Retired Employees) Persons in the service who have faithfully served for a reasonable period of time and retired shall be given pension

Necessary determinations concerning pension mentioned in the preceding paragraph shall be provided by law

Persons who retire as the result of injury or disease in-

curred in line of duty or the surviving members of those who die in line of duty may be given a pension as provided by law.

Article 108. (Object of the Pension System) The pension system shall have as its object the provision for each person, after retirement, of an income adequate to sustain him and his immediate dependents at the time of retirement or death in manner dignified and appropriate to the circumstances of retirement or death.

In the cases of Paragraph 3 of the preceding Article, due adjustments with the compensation system specified in Article 93 shall be effected.

The pension system shall be designed on a sound basis and administered by the Commission.

The Commission shall conduct essential studies in regard to the pension system as soon as practicable and submit its recommendations thereon to the Prime Minister.

Chapter IV. Penal Provisions

Article 109. A person who violates the prohibition prescribed in Article 39 shall be sentenced not to exceed three years in penal servitude or fined not to exceed ten thousand yen.

Money or other benefit given or received by the person mentioned in the preceding paragraph shall be confiscated. When it is not possible to collect such amount either in whole or in part, its value shall be sought and collected.

Article 110. A person falling under one of the following cases shall be sentenced not to exceed one year in penal servitude or fined not to exceed five thousand yen.

1. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has made a false statement;
2. A person who has been ordered to produce books, records or copies thereof in accordance with the provision of Paragraph 2 of Article 17 and has produced false books, records or copies thereof;
3. A person who violates the prohibition prescribed in Article 40 or Article 41;
4. A person who violates the prohibition prescribed in Paragraph 2 of Article 103.

Article 111. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has not responded, except for just cause, or who, in accordance with the provision of the same paragraph, has been ordered to produce books, records or copies thereof and has not complied with such order without any just cause shall be fined not to exceed three thousand yen.

Supplementary Provisions

Article 1. In this Law the provision of Article 2 of the Supplementary Provisions shall be enforced from November 1, 1947, and other provisions from July 1, 1948.

The Commission shall be set up not later than January 1, 1949.

In this Law provisions other than those concerning the establishment of the Commission and the Performance on Duty (inclusive of the supplmentary provisions related thereto) may be gradually applied as practicable, as provided by law or rules of the Commission.

Article 2. A Temporary National Personnel Commission (to be hereinafter referred to as the Temporary Commission) shall be set up under the jurisdiction of the Prime Minister.

The Temporary Commission shall have the power of investigating positions, employment situations and other matters pertaining to personnel adminstration in general and making other preparations insofar as are necessary for the enforcement of this Law.

The Temporary Commission shall exercise the powers of the Commission as provided in this Law from July 1, 1948, up to the installation of the Commission. In this case, "the Commission" in this Law shall be taken to read "the Temporary Commission" and "Commissioners" shall be taken to read "members of the Temporary Commission."

The Temporary Commission shall be composed of a chairman and two members.

The chairman and members of the Temporary Commission shall retire upon the installation of the Commission. In this case the chairman of the Temporary Commission shall promptly hand over charge to the Chairman of the Commission.

The provisions of Paragraph 1 of Article 5, Paragraphs 3 to 5 inclusive of the same Article and Paragraph 2 of Article 11 shall apply correspondingly in respect of the chairman and members.

The Temporary Commission shall have a Secretariat.

In the Secreatariat of the Temporary Commission there shall be one Executive Director and necessary personnel prescribed by Cabinet Order.

Necessary determinations concerning the implementation of the powers of the Temporary Commission may be provided by Cabinet Order until July 1, 1948, after which time such determinations shall be provided by law or rules of the Commission.

Article 3. In Paragraph 6 of Article 5, the department of the university or high school shall include the department of the universities under the "University Or-

dinance," the high schools under the "High School Ordinance" or the colleges under the "College Ordinance "

Article 4 Of Commissioners who are appointed at the outset, the term of office of two shall, without prejudice to the provision of Paragraph 1 of Article 7 be five years for one and three years for the other. In this case, which Commissioner shall have which term of office shall be decided by the Prime Minister

Article 5 In case Commissioners other than the Chairman are simultaneously appointed from the outset, in applying the provision of Paragraph 3 of Article 11, "a senior Commissioner" shall be taken to read "a Commissioner on a longer term of office."

Article 6 Dismissals by disciplinary decision referred to in Item 3 of Article 38 shall include those effected under the provisions heretofore in force

Article 7 The temporary retirement or disciplinary punishment of a person who, under the regulations heretofore in force, has been ordered to be temporarily retired or has been under disciplinary proceedings or has been subjected to disciplinary action shall be the same as heretofore

Article 8 The provision of Item 2 or Item 3 of Article 82 shall also apply to acts committed before the application of the provisions of the same Article

Article 9 On a date to be later established by the Commission, persons actually holding positions designated by the Commission shall, as provided by rules of the Commission, be regarded as having qualified themselves in the examination or the evaluation based on this [illegible]

apply to persons specified in Article 11 of the Supplementary Provisions

Article 10 In cases of the designation of positions specified in the preceding Article, an appointing officer may, with the approval of the Commission, extend beyond the limits specified in Paragraph 1 of Article 60 temporary employment to the positions designated in the preceding Article for a period not to exceed three years from the dates as specified in the preceding Article.

Article 11. Persons actually holding, on a date to be later established by the Commission, such positions as heads and assistant heads of external and internal bureaus of the Prime Minister's Office, the various ministries, and [illegible]

as having received temporary employment prescribed in the preceding Article, such temporary employment, however, shall not exceed three years from July 1, 1948

In regard to the positions as specified in the preceding paragraph, it shall be the duty of the Commission by greatest diligence to make allocations of positions and *administer the necessary examinations or evaluations* under this Law within two years after July 1, 1948

Article 12 The provision of Article 100 shall also apply to former personnel who had retired before the enforcement of the provision of the same Article

Article 13 In case it is necessary to make exceptions to this Law on the basis of the special nature of the duties and responsibilities of any positions in the regular government service, such as diplomatic and consular officials, other personnel stationed abroad, school teachers, court officials or public procurators, such exceptions may be separately provided by law or rules of the Commission These exceptions shall not, however, be contrary to the spirit of Article 1 of this Law

Article 14 Interim exceptions and other matters necessary for the revision or abrogation of the provisions [illegible]

laws and orders shall be provided by law or rules of the Commission

STATE REDRESS LAW
(Law No. 125, 27 October 1947)

Article 1. If a public official entrusted with the exercise of the public power of the State or of a public entity, has, in the conduct of his official duties, inflicted intentionally or through negligence any damages on another person through an illegal act, the State or the public entity concerned shall be under obligation to make compensation therefor.

If, in the case referred to in the preceding paragraph, the public official has perpetrated the act intentionally or through gross negligence, the State or the public entity concerned shall have the right to obtain reimbursement from the said public official.

Article 2. If a person has been damaged through the existence of any defect in the construction or management of highways, rivers or other public installation, the State or the public entity concerned shall be under obligation to make compensation for it.

If, in the case referred to in the preceding paragraph, there exists any other person who is responsible for causing the damages, the State or the public entity concerned shall have the right to obtain reimbursement from him.

Article 3. If, in cases where the State or a public entity has an obligation to make compensation for a damage in accordance with the provisions of the preceding two Articles, the State or the public entity charged with the matters of the appointment or supervision of the public official in question or of the establishment or management of the public installation in question, is different from that which defrays the salary, allowance or other expenses of such public official or the expenses necessary for the establishment or management of such public installation, then the latter shall also be under obligation to make compensation for the said damage.

In the case referred to in the preceding case, the State or the public entity that has made compensation for the damages shall have the right to obtain reimbursement from the person under obligation to make compensation for the said damage within the State or the public entity itself.

Article 4. Except as provided in the preceding three Articles, the provisions of the Civil Code shall apply to the liability for damages of the State or a public entity.

Article 5. If otherwise provided in any statute besides the Civil Code, those provisions shall apply to the liability for damages of the State or a public entity.

Article 6. In cases where a foreigner is the injured party, this statute shall apply only if the compensation is reciprocally guaranteed.

Supplementary Provisions:

This Law shall come into force as from the day of its promulgation.

A part of the Public Notary Law shall be amended as follows: Article 6. Deleted.

A part of the House Registration Law shall be amended as follows: Article 4. Deleted.

In Article 7 the words "and Article 4" shall be deleted.

A part of the Real Estate Registration Law shall be amended as follows:

Article 13. Deleted.

A part of the Code of Civil Procedure shall be amended as follows:

Article 532. Deleted.

The laws hitherto in force shall apply to the damages resulting from the acts prior to the effective date of this statute.

IMPEACHMENT OF JUDGES LAW
(Law No 137, 19 November 1947)

Chapter I. General Provisions

Article 1 (Purport of this law) Impeachment of judges shall be proceeded with in accordance with the provisions of this act, in addition to those prescribed in the Diet Law

Article 2 (Grounds for removal by impeachment) A judge is liable to be removed from his post on being impeached and convicted for any of the following offences

1 Conduct in grave contraventions of official duties or grave neglect of official duties

2 Other misconducts seriously affecting the integrity of a judge

Article 3 (Location of the Court of Impeachment and the Impeachment Committee) The Court of Impeachment and the Impeachment Committee shall be located in Tokyo Metropolis

Chapter II Procedures of Impeachment

Article 4 (Functioning of the Court of Impeachment and the Impeachment Committee) The Court of Impeachment and the Impeachment Committee may function even while the Diet is out of session

Article 4-2 (Budget) The Presiding Judge shall compile the budget for the Court of Impeachment and present it to the Standing Committees for House Management of both Houses

The Standing Committee for House Management of each House shall, upon deliberation on the budget in the preceding paragraph, send it to the President of each House with or without recommendation attached thereto

The Chairman of the Indictment Committee shall compile the budget for the Indictment Committee and present it to the Standing Committee for House Management of *the House of Representatives*

The Standing Committee for House Management of the House of Representatives shall, upon the deliberation on the budget in the preceding paragraph, send it to the Speaker of the House of Representatives with or without recommendation attached thereto

Article 5 (Members and reserve members of the Impeachment Committee) The number of members of the Impeachment Committee shall be twenty and that of reserve members shall be ten

The election of the members and the reserve members of the Impeachment Committee shall be carried out at the beginning of the session of the Diet convened for the first time after the general election of the members of the House of Representatives But in the case of the 1st Session of the Diet, such election shall be held during its session

In case any vacancy occurs in the post of the members or reserve members of the Impeachment Committee a by-election shall be held in the House of Representatives to fill the vacancy

The tenure of office of the members and the reserve members of the Impeachment Committee shall be concurrent with their membership in the House of Representatives

The members and reserve members of the Impeachment Committee may resign with the permission of the House of Representatives, provided such permission may be given by the President of that House when the Diet is out of session

In case a member of the Impeachment Committee is prevented from discharging his function or the post is vacant, a reserve member shall take his place or fill the vacancy temporarily

The order of the reserve members who perform the official functions as members according to the provisions of the preceding paragraph shall be determined by the House at the time of their election

The members or the reserve members of the Impeachment Committee who perform the official functions as members shall receive reasonable remuneration to be fixed *by the President of the House of Representatives*

Article 6 (The duties of the Chairman of the Impeachment Committee) The Chairman of the Impeachment Committee shall supervise the general affairs of that Committee and represent it

In case the Chairman is prevented from discharging his duties another member shall act temporarily in his stead in accordance with the order previously determined by the Committee

Article 7 (Secretariat) There shall be a Secretariat in the Indictment Committee

The Secretariat shall have two Secretaries and two Clerks

One of the Secretaries shall be the Chief Secretary.

The Chief Secretary shall, under the supervision of the presiding Judge, administer general affairs and direct and supervise the other Secretary and the Clerks.

The Secretary other than the Chief Secretary and the Clerks shall, under the direction of their superior, engage in general affairs

The Chief Secretary, the other Secretary and the Clerks shall be appointed or removed by the Chairman with the consent of the Speaker of the House of Representatives and the approval of the Standing Committee for House Management.

Article 8. (Independence of Authority) The members of the Impeachment Committee shall exercise their official power independently.

Article 9. (Convocation) The Impeachment Committee shall be convened by the Chairman. If there be a request made by five members or more of the Committee, the Chairman shall convene the Committee.

Article 10. (Deliberation) The Impeachment Committee shall neither open any deliberation nor pass any resolution unless a minimum of fifteen members are present.

The resolution of the Impeachment Committee shall be passed by a majority of the members present, and in case of a tie the Chairman shall decide; provided a majority of two-thirds of the members present shall be necessary to pass a resolution to proceed with an impeachment.

The deliberation of the Impeachment Committee shall not be open to public.

Article 11. (Investigation) The Indictment Committee shall investigate into the reasons for indictment upon the request to indict or when they deem that reasons for removal by impeachment exist.

The Indictment Committee may entrust the investigation in the preceding paragraph to Government or public offices.

The Indictment Committee, or the government or public offices commissioned with the investigation mentioned in the preceding paragraph may, in connection with such investigation, demand the presence and testimony of witnesses and presentation of records.

Travel expenses, daily allowances and allowances for hotel charges shall be paid to a witness who presents himself upon the demand mentioned in the preceding paragraph, in conformity with the cases when a witness presents himself to the Court of Impeachment.

Article 11-2. (Dispatch of the members of the Indictment Committee) The Indictment Committee may dispatch the members of the Indictment Committee for investigation.

The Indictment Committee when it intends to dispatch the member of the Indictment Committee for investigation while the Diet is in session, shall get the approval of the Speaker of the House of Representatives.

Article 12. (Time limit for indictment) An indictment for removal cannot be instituted after the lapse of three years since the reason for impeachment occurred. However, in case the term of office for the members of the House of Representatives expires, or the House of Representatives is dissolved, within that period, an indictment for removal may be instituted within one month after the members of the Indictment Committee are elected in the first Diet session convened thereafter, and in case criminal proceedings are taken for the same reason the indictment may be instituted within one year after the judgment in the criminal case becomes absolute.

Article 13. (Stay of impeachment) The Impeachment Committee may stay an impeachment, when in its judgment the circumstances justify such action.

Article 14. (Filing of a written impeachment) An impeachment for removal shall be instituted by filing a written impeachment with the court of impeachment.

A written impeachment shall contain the name and the position of the judge to be impeached and the causes therefor. When the Impeachment Committee has filed a written impeachment with the Court of Impeachment it shall forthwith notify the Supreme Court of the fact.

Article 15. (Request for indictment) Any person may request an indictment for removal to the Indictment Committee whenever he considers that there is a reason for removal of a judge by impeachment.

When the President of a High Court or the President of a District Court considers that there is a reason for removal by impeachment of a judge who is attached to his Court or a lower court under his jurisdiction, he must notify the President of the Supreme Court of such reason.

When the President of the Supreme Court has received the notice mentioned in the preceding paragraph, or considers that there is a reason for removal by impeachment, he must request the Indictment Committee to institute an indictment for removal.

The request for an indictment under the provisions of paragraph 1 and the preceding paragraph shall be accompanied by a brief statement of the reasons thereof. However evidences shall not be required.

Chapter III. Trial

Article 16. (Judges and Reserve Judges) The number of judges of the Court of Impeachment shall be seven members each from the House of Representatives and the House of Councillors. The number of the reserve judges shall be four each from both Houses.

The provisions of Pars. 2 and 3 of Art. 4 shall mutatis mutandis apply to the judges or reserve judges who are the members of the House of Representatives.

The election of judges or reserve judges who are the members of the House of Councillors shall be conducted during the 1st Session of the Diet.

In case the posts of the judges or reserve judges for the members of the House of Councillors are vacant, there shall be held a by-election in the House of Councillors to fill the vacancy.

The tenure of office of the judges or the reserve judges shall be concurrent with their tenure of office as the members either of the House of Representatives or of Councillors.

The judges or reserve judges may resign with the per-

or a judge's post is vacant, a reserve judge who is the member of the House to which the judge concerned belongs shall perform the duties of the judge.

The order of the reserve judges to perform the judge's duties in accordance with the provisions of the preceding paragraph shall be decided by the House to which they belong at the time of their election

The judges and the reserve judges who perform the official functions of judges shall receive a reasonable remuneration to be agreed upon by the Presidents of both houses

Article 17 (The duties of the Presiding Judge) The Presiding Judge of the Court of Impeachment shall supervise hearings, maintain the order of the court and adjust the procedure of deliberation as well as administer the general affairs of the Court and represent it

In case the Presiding Judge is prevented from discharging his duties another judge shall act temporarily in his place in accordance with the order previously determined by the Court

Article 18 (Secretariat) There shall be a Secretariat in the Court of Impeachment

The Secretariat shall have two Secretaries and two Clerks

One of the Secretaries shall be the Chief Secretary

The Chief Secretary shall, under the supervision of the Presiding Judge, administer general affairs and direct and supervise the other Secretary and the Clerks

The Secretary other than the Chief Secretary and the Clerks shall, under the direction of their superior, engage in general affairs

The Chief Secretary, the other Secretary, and the Clerks shall, under the direction of the Judges, engage in the business relative to cases, beside the matters prescribed in the two preceding paragraphs

The Chief Secretary, the other Secretary, and the Clerks shall be appointed or removed by the Presiding Judge with the consent of the Presidents of both Houses and the approval of the Standing Committee for House Management

Article 19 (Independence of the Authority) The judges of the Court of Impeachment shall exercise their official power independently

Article 20 (Collegiate system of the Court of Impeachment) The Court of Impeachment shall not conduct hearings or render judgment unless not less than five judges each from both Houses are present, provided the Court may otherwise determine as to matters other than hearings or judgments in the court

Article 21 (Service of the written impeachment) The Court of Impeachment shall immediately on receipt of a written impeachment serve its copy to the judge against whom the impeachment for removal was instituted

Article 22 (Engagement of counsel) A judge against whom an impeachment was instituted may engage his counsel at any time

The provisions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to such counsel

Article 23 (Oral pleadings) A judgment of removal shall be based upon the oral pleading

In case a judge against whom an impeachment was instituted does not appear at the date of oral pleading another date shall be fixed Should the judge still fail to appear on that another date without good reason, the Court may proceed with the impeachment and render its judgment without hearing his pleading notwithstanding the provisions of the preceding paragraph

Article 24 (Attendance of a member of the Impeachment Committee) The Chairman of the Impeachment Committee or a member of the Committee designated by the Chairman shall attend the hearings of the Court and the pronouncement of its judgment

Article 25 (Place of Session) The Sessions shall be held at the Court of Impeachment

The Court may, when it deems expedient, hold its session at other places notwithstanding, however, the provisions of the preceding paragraph.

Article 26 (Publicity of trial) Trials in the Court of Impeachment shall be conducted and its judgment declared publicly

Article 27 (Maintenance of Order in Court) The Presiding Judge may order any person who interferes with the exercise of functions of the court or who behaves improperly, to leave the court, and may issue such other orders or take such measures as are necessary for the maintenance of order in the court

Article 28 (Examination) The Court of Impeachment may summon and examine the judge against whom an impeachment was instituted

The provisions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to the case mentioned in the preceding paragraph, but he shall not be taken into custody.

Article 29 (Evidence) The Court of Impeachment may, on its own initiative or an application, take necessary evidence, or commission a District Court for that purpose

With respect to evidence the provisions of the statutes

sary evidence

Article 8. (Independence of Authority) The members of the Impeachment Committee shall exercise their official power independently.

Article 9. (Convocation) The Impeachment Committee shall be convened by the Chairman. If there be a request made by five members or more of the Committee, the Chairman shall convene the Committee.

Article 10. (Deliberation) The Impeachment Committee shall neither open any deliberation nor pass any resolution unless a minimum of fifteen members are present.

The resolution of the Impeachment Committee shall be passed by a majority of the members present, and in case of a tie the Chairman shall decide; provided a majority of two-thirds of the members present shall be necessary to pass a resolution to proceed with an impeachment.

The deliberation of the Impeachment Committee shall not be open to public.

Article 11. (Investigation) The Indictment Committee shall investigate into the reasons for indictment upon the request to indict or when they deem that reasons for removal by impeachment exist.

The Indictment Committee may entrust the investigation in the preceding paragraph to Government or public offices.

The Indictment Committee, or the government or public offices commissioned with the investigation mentioned in the preceding paragraph may, in connection with such investigation, demand the presence and testimony of witnesses and presentation of records.

Travel expenses, daily allowances and allowances for hotel charges shall be paid to a witness who presents himself upon the demand mentioned in the preceding paragraph, in conformity with the cases when a witness presents himself to the Court of Impeachment.

Article 11-2. (Dispatch of the members of the Indictment Committee) The Indictment Committee may dispatch the members of the Indictment Committee for investigation.

The Indictment Committee when it intends to dispatch the member of the Indictment Committee for investigation while the Diet is in session, shall get the approval of the Speaker of the House of Representatives.

Article 12. (Time limit for indictment) An indictment for removal cannot be instituted after the lapse of three years since the reason for impeachment occurred. However, in case the term of office for the members of the House of Representatives expires, or the House of Representatives is dissolved, within that period, an indictment for removal may be instituted within one month after the members of the Indictment Committee are elected in the first Diet session convened thereafter, and in case criminal proceedings are taken for the same reason the indictment may be instituted within one year after the judgment in the criminal case becomes absolute.

Article 13. (Stay of impeachment) The Impeachment Committee may stay an impeachment, when in its judgment the circumstances justify such action.

Article 14. (Filing of a written impeachment) An impeachment for removal shall be instituted by filing a written impeachment with the court of impeachment.

A written impeachment shall contain the name and the position of the judge to be impeached and the causes therefor. When the Impeachment Committee has filed a written impeachment with the Court of Impeachment it shall forthwith notify the Supreme Court of the fact.

Article 15. (Request for indictment) Any person may request an indictment for removal to the Indictment Committee whenever he considers that there is a reason for removal of a judge by impeachment.

When the President of a High Court or the President of a District Court considers that there is a reason for removal by impeachment of a judge who is attached to his Court or a lower court under his jurisdiction, he must notify the President of the Supreme Court of such reason.

When the President of the Supreme Court has received the notice mentioned in the preceding paragraph, or considers that there is a reason for removal by impeachment, he must request the Indictment Committee to institute an indictment for removal.

The request for an indictment under the provisions of paragraph 1 and the preceding paragraph shall be accompanied by a brief statement of the reasons thereof. However evidences shall not be required.

Chapter III. Trial

Article 16. (Judges and Reserve Judges) The number of judges of the Court of Impeachment shall be seven members each from the House of Representatives and the House of Councillors. The number of the reserve judges shall be four each from both Houses.

The provisions of Pars. 2 and 3 of Art. 4 shall mutatis mutandis apply to the judges or reserve judges who are the members of the House of Representatives.

The election of judges or reserve judges who are the members of the House of Councillors shall be conducted during the 1st Session of the Diet.

In case the posts of the judges or reserve judges for the members of the House of Councillors are vacant, there shall be held a by-election in the House of Councillors to fill the vacancy.

The tenure of office of the judges or the reserve judges shall be concurrent with their tenure of office as the members either of the House of Representatives or of Councillors.

The judges or reserve judges may resign with the per-

mission of the House to which they belong, but when the [illegible]

or a judge's post is vacant, a reserve judge who is the member of the House to which the judge concerned belongs shall perform the duties of the judge

[illegible]

belong at the time of their election

The judges and the reserve judges who perform the official functions of judges shall receive a reasonable remuneration to be agreed upon by the Presidents of both houses

Article 17 (The duties of the Presiding Judge) The Presiding Judge of the Court of Impeachment shall supervise hearings, maintain the order of the court and adjust the procedure of deliberation as well as administer the general affairs of the Court and represent it

In case the Presiding Judge is prevented from discharging his duties another judge shall act temporarily in his place in accordance with the order previously determined by the Court

Article 18 (Secretariat) There shall be a Secretariat in the Court of Impeachment

The Secretariat shall have two Secretaries and two Clerks

One of the Secretaries shall be the Chief Secretary

The Chief Secretary shall, under the supervision of the Presiding Judge, administer general affairs and direct and supervise the other Secretary and the Clerks

The Secretary other than the Chief Secretary and the Clerks shall, under the direction of their superior, engage in general affairs

The Chief Secretary, the other Secretary, and the Clerks shall, under the direction of the Judges, engage in the business relative to cases, beside the matters prescribed in the two preceding paragraphs

The Chief Secretary, the other Secretary, and the Clerks shall be appointed or removed by the Presiding Judge with the consent of the Presidents of both Houses and the approval of the Standing Committee for House Management

Article 19 (Independence of the Authority) The judges of the Court of Impeachment shall exercise their official power independently

Article 20 (Collegiate system of the Court of Impeachment) The Court of Impeachment shall not conduct hearings or render judgment unless not less than five judges each from both Houses are present, provided the Court may otherwise determine as to matters other than hearings or judgments in the court

Article 21 (Service of the written impeachment) The Court of Impeachment shall immediately on receipt of a written impeachment serve its copy to the judge against whom the impeachment for removal was instituted

Article 22 (Engagement of counsel) A judge against whom an impeachment was instituted may engage his counsel at any time

The provisions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to such counsel

Article 23 (Oral pleadings) A judgment of removal shall be based upon the oral pleading

In case a judge against whom an impeachment was instituted does not appear at the date of oral pleading another date shall be fixed Should the judge still fail to appear on that another date without good reason, the Court may proceed with the impeachment and render its judgment without hearing his pleading notwithstanding the provisions of the preceding paragraph

Article 24 (Attendance of a member of the Impeachment Committee) The Chairman of the Impeachment Committee or a member of the Committee designated by the Chairman shall attend the hearings of the Court and the pronouncement of its judgment

Article 25 (Place of Session) The Sessions shall be held at the Court of Impeachment

The Court may, when it deems expedient, hold its session at other places notwithstanding, however, the provisions of the preceding paragraph

Article 26 (Publicity of trial) Trials in the Court of Impeachment shall be conducted and its judgment declared publicly

Article 27 (Maintenance of Order in Court) The Presiding Judge may order any person who interferes with the exercise of functions of the court or who behaves improperly, to leave the court, and may issue such other orders or take such measures as are necessary for the maintenance of order in the court

Article 28 (Examination) The Court of Impeachment may summon and examine the judge against whom an impeachment was instituted

The provisions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to the case mentioned in the preceding paragraph, but he shall not be taken into custody

Article 29 (Evidence) The Court of Impeachment may, on its own initiative or an application, take necessary evidence, or commission a District Court for that purpose

With respect to evidence the provisions of the statutes [illegible]

the person, thing or place, or impose fine

Besides the foregoing, the Court of Impeachment shall have the following power, in order to collect the necessary evidence

1. To order the possessors of evidence to produce it.
2. To make inspection of any place necessary for the discovery of facts.
3. To request of government and public offices the production of reports and data.

Article 29-2. (Dispatch of Judges) The Court of Impeachment may dispatch a Judge for trial or judgment, trial or judgment while the Diet is in session, must obtain the approval of the Speaker of the House of Representatives as regards a Judge who is a member of the House of Representatives, and the approval of the President of the House of Councillors as regards a judge who is a member of the House of Councillors.

Article 30. (Application of statutes concerning criminal procedure) The provisions of the statutes concerning criminal procedure shall apply mutatis mutandis to the exclusion, refusal or avoidance of a Judge, the Chief Secretary or the other Secretary, or a Clerk, to trial in the Court, to the preparation of Court records, and to the cost of procedures.

Article 31. (Deliberation of judgment) Deliberation for judgment shall not be open to the public.

A judgment shall be determined by a majority of judges participating in the trial, but, to rendering a judgment of removal, two-thirds majority is necessary.

Article 32. (Prohibition of double jeopardy) The Court of Impeachment shall not render a judgment of removal for a cause which has already been adjudged by it.

Article 33. (Reason for judgment) When rendering a judgment, the reason therefor shall be stated. In the reason for a judgment of removal the facts and the evidence upon which such facts have been found shall be stated.

Article 34. (Written judgment) A judgment shall be rendered in writing.

The judgment shall be signed and sealed by the judges who have participated in giving such judgment. If the Presiding Judge is unable to sign and seal, one of the judges, and if a judge other than the Presiding Judge is unable to do so, the Presiding Judge, shall make an additional entry of the fact and reason on the judgment and affix his signature and seal thereto.

Article 35. (Service of the judgment) When the Court of Judgment rendered a final judgment, it shall serve forthwith copies of the judgment to a judge against whom an impeachment had been instituted and to the Supreme Court.

Article 36. (Publication of judgment) A judgment of the Court of Judgment shall be publicly notified in the *Official Gazette.*

Article 37. (Effects of judgment of removal) A judge shall be removed upon the pronouncement of a judgment of removal.

Article 38. (Recovery of judicial qualification) The Court of Impeachment may, in the following cases, hear the application of the judges removed on impeachment for the recovery of their judicial qualifications:

1. If upon the lapse of 5 years from the date of the judgment of removal a justification exists.
2. If any new evidence is found to prove the absence of the cause of removal or otherwise a justification exists for the recovery of the judicial qualification.

A judgment for the recovery of qualification shall restore to the applicant the qualification which he lost in accordance with the provisions of laws by virtue of the original judgment for impeachment.

Article 39. (Suspension of functions as a judge) The Court of Impeachment may suspend at any time the exercise of functions by the judge against whom an impeachment has been instituted.

Article 40. (Relation between the Proceedings of Impeachment and the Criminal Procedure) The Court of Impeachment may suspend its proceedings pending the proceedings in a criminal court for the same cause.

Article 41. (Reservation of dismissal) A judge against whom an impeachment has been instituted shall not, even on personal application for dismissal, be dismissed by any person authorized to do so pending the final judgment by the Court of Impeachment.

Article 42. (Power to make rules) Except as provided elsewhere by this statute, the Court of Impeachment shall have power of making rules of its own procedure.

Chapter IV. Penalty

Article 43. (False Accusation) Any person who has made false statement with intent to cause an impeachment to be instituted against a judge shall be liable to an imprisonment with hard labor for over 3 months but not exceeding 10 years.

When the person who has committed the crime prescribed in the preceding paragraph, makes a confession before a judgment to the reported case is rendered, and before the crime is discovered, his sentence may be mitigated or pardoned.

Article 44. (Punishment against witnesses, etc.) The following offences are punishable with a fine not exceeding ¥3,000:

1. Failure to appear or serve without good reason when summoned by the Court of Impeachment as witness, expert, interpreter or translator.
2. Failure to produce evidence when ordered by the Court of Impeachment, without good reason.
3. Refusal or obstruction of inspection of the Court of Impeachment.

Any person who having been called upon by the Impeachment Committee to appear as witness, or furnish

evidence or records, fails to appear, makes false statement, fails to produce records or produces false records without good reason, shall be liable to a fine not exceeding ¥1,000.

Supplementary Provision

The present Law shall come into force as from the day of its promulgation

PEOPLE'S EXAMINATION OF SUPREME COURT JUDGES
(Law No. 136, 20 November 1947)

Contents

Chapter I. General Provisions

Article 1. (Object of the present Law) Examination by the people on the appointment of the judges of the Supreme Court shall be governed by the present Law.

Article 2. (Date of Examination) Examination shall be carried out for each of the judges on the date of the first general election of members of the House of Representatives following their appointment.

On the date of the first general election of members of the House of Representatives after the elapse of ten (10) years from the date of the first examination, examination of each judge shall be carried out again, and this shall continue in the same manner thereafter.

Article 3. (Districts where examination is to be carried out) Examination shall be carried out throughout the districts of all of the Metropolis, Circuits, special Prefectures and Prefectures.

Article 4. (Right to examine) Any person who has right to vote for members of the House of Representatives has the right to examine.

Article 5. (Notification of the date of examination and of the full names of judges) The people's examination of the supreme court judges administration committee must notify the date of examination and the full names of judges to be examined by the official gazette at least twenty-five (25) days prior to the date of examination.

Article 6. (Manner of examination) Examination shall be conducted by means of ballot.

With respect to the ballot, one man one vote system shall be adopted.

Article 7. (Voting districts and counting of ballot districts) Voting districts and ballot-counting districts for examination shall coincide with voting districts and ballot-counting districts for election of members of the House of Representatives.

Article 8. (Lists of the persons having right to examine) For examination, the poll books for election of members of the House of Representatives shall be used.

Article 9. (The People's Examination of the Supreme Court Judges Administration Committee) There shall be established the People's Examination of the Supreme Court Judges Administration Committee (hereinafter to be referred to as People's Examination Administration Committee) in order to have it administer the business pertaining to the examination.

The People's Examination Administration Committee shall consist of ten (10) People's Examination of the Supreme Court Judges Administration Commissioners (hereinafter to be referred to as People's Examination Administration Commissioners).

The People's Examination Administration Commissioners shall be elected by the House of Councillors from among its members.

The People's Examination Administration Commissioner's term of office shall be three (3) years; provided the term of office of a Commissioner elected in a by-election to fill a vacancy shall be the unexpired portion of the term of his predecessor.

With respect to the People's Examination of the Supreme Court Judges Administration Committee, the provisions of Articles 16 to 19, inclusive, of the Law for the Election of Members of the House of Councillors shall apply with necessary modifications.

Article 10. (Supervisions of business pertaining to examination) The People's Examination of judges administration committee shall control and supervise the election administration committees of the Metropolis, Circuits, Special Prefectures and Prefectures with respect to the business pertaining to examine.

The election administration committees of the Metropolis, Circuits, Special Prefectures and Prefectures shall control and supervise the election administration committees of Cities, Towns and Villages with respect to the business pertaining to examination.

Article 11. (Where judges have retired and so forth) Where any of the judges to be examined has lost his office or died prior to the date of examination, no examina-

on shall be carried out with respect to the appointment of such judge

In the circumstances mentioned in the preceding paragraph, the People's Examination Administration Committee shall announce the fact in the official gazette

Chapter II. Voting and Counting of Ballot

Article 12 (Taking charge of the business pertaining to voting) Voting overseers at the election of members of the House of Representatives shall take up the post of voting overseers in the case of examination and shall take charge of the business pertaining to voting for examination

Voting witnesses at the election of members of the House of Representatives shall act as voting witnesses in the case of examination

Article 13 (Time and place of voting) Voting for examination shall be conducted at polling-places for the election of members of the House of Representatives and simultaneously with voting for the election

Article 14 (Pattern of the ballot paper) The ballot paper shall bear the full names of the Judges to be examined printed in the order as determined by the Popular Examination Administration Committee by drawing The ballot paper shall have a column for marking opposite the name of each of the judges to be examined

The pattern of the ballot paper shall be prepared in accordance with the form prescribed in a separate sheet by the Commission for Overseeing the Election of Metropolis, District or Prefecture

Article 15 (Manner of voting) Each examiner shall personally mark the ballot paper within the column opposite the names of the judges whose dismissal is considered desirable, and leave the column blank in regard to the judges whose removal he does not consider desirable, and cast it into the ballot box

The name of the examiner shall not appear on the ballot paper

Article 16 (Voting by braille points) In the case of the voting in braille points, each examiner shall personally enter the name of a judge on the ballot paper whose dismissal is considered desirable, and leave it blank in regard to the judges whose dismissal is not sought, and cast it into the ballot box

The pattern of the ballot paper and other necessary matters in the case of the preceding paragraph shall be specified by a Cabinet Order

Article 17 (Record of voting) Voting overseers shall make records of voting, shall state thereon the state of affairs concerning the voting and shall sign their names thereon together with the voting witnesses concerned

Article 18 (Secrecy of voting) No person who exercises the right of examination shall be obliged to state anything about the contents of voting for examination

Article 19 (Taking charge of the business pertaining to counting of ballot) Ballot-counting overseers at the election of members of the House of Representatives shall take [illegible]

[illegible] counting witnesses in the case of examination

Article 20 (Time and place of ballot-counting) [illegible] ballot-counting authorities concerned or on its following day)

Article 21 (Examination of votes to examine and the report of results) Ballot-counting overseers shall, upon having completed the examination of votes to examine, forthwith report the results thereof to the chairman of the examination branch council concerned

Article 22 (Validity of a vote) The following votes cast for the examination shall be null and void

1 A vote for which no formal ballot paper is used,

2 A vote which bears an entry other than the mark of X,

3 A vote bearing the mark of X not personally inscribed by the examiner

[illegible]

Article 23 (Record of ballot-counting) Ballot-counting overseers shall make records of ballot-counting, shall state thereon the state of affairs concerning the ballot-counting and shall sign their names thereon together with the ballot-counting witnesses concerned

Article 24 (Preservation of ballots and so forth) Ballots cast in the case of examination shall be preserved by the election administration committees of the cities, towns or villages concerned for a period of ten (10) years from the date for examination, upon having been classified into the valid and invalid ballots, and together with the records of voting and those of ballot-counting of examination

Article 25 (Where no voting for election is carried out) In case where no voting for election is carried out by virtue of the provisions of Article 71 of the Law for Election of Members of the House of Representatives, the voting for examination shall be carried out notwith-

standing the provision of Article 13.

The provisions of Articles 20, 44 and 48 of the Law for the Election of Members of the House of Representatives shall be applicable with necessary modifications to the cases of the voting for examination and ballot-counting mentioned in the preceding paragraph, notwithstanding the provisions of Articles 12, 19 and 20 of this enactment.

In the case of the voting and ballot-counting provided for in the preceding paragraph, the vote overseers or the ballot-counting overseer shall select three vote witnesses or three ballot-counting witnesses respectively from among the persons whose names are found in the list of names of the voters for the Election of Members of the House of Representatives in the said voting or ballot-counting district.

Article 26. (Other matters relating to voting and ballot-counting) With the exception of the matters provided in the present Law or in an order to be issued in pursuance thereof, matters pertaining to voting and ballot-counting shall conform to those pertaining to voting and ballot-counting in the case of election of members of the House of Representatives.

Chapter III. Examination Branch Councils and Examination Council

Article 27. (Examination branch councils) An examination branch council shall be held at the office of the Metropolis, Circuit, Special Prefecture or Prefecture concerned or at any other place fixed by the chairman of the examination council.

The chairmanship of every examination branch council shall be filled by the person who has been appointed thereto from among the persons having the right to examine by the election administration committee of the Metropolis, Circuit, Special Prefecture or Prefecture concerned.

The chairman of an examination branch council shall take charge of the business pertaining to the examination branch council.

The chairman of examination branch council shall appoint three (3) witnesses to the examination branch council from among the persons who are within the district of the Metropolis, Circuit, Special Prefecture or Prefecture concerned and who have been enrolled on the poll-book for members of the House of Representatives.

The chairman of an examination branch council shall hold examination branch council on the day when he has received the reports mentioned in Article 21 from all of the ballot-counting overseers who act within the district of the Metropolis, Circuit, Special Prefecture or Prefecture concerned, or on the day following thereto and shall examine the reports in the presence of the witnesses to the examination branch council.

Article 28. (Report of the result of Examination Branch Council) The Chairman of an Examination Branch Council, upon completion of the examination prescribed by the provisions of paragraph 5 of the preceding Article, shall forthwith report to the Chairman of Examination, for each of the Judges, the number of the votes favoring his dismissal and of those opposed to the dismissal, with a copy of the minutes of the proceedings of the Examination Branch Council attached to such report.

Article 29. (Examination Council) The examination council shall be held at a place designated by the chairman of examination.

The chairmanship of examination shall be filled by the person who has been appointed thereto from among the persons having the right to examine by the people's examination of the Supreme Court Judges Administration Committee.

The chairman of examination shall take charge of the business pertaining to the examination council.

The chairman of examination shall appoint three (3) examination witnesses from among the persons enrolled on the poll-book for members of the House of Representatives.

The chairman of examination shall hold examination council on the day when he has received the reports mentioned in the preceding Article from all of the chairmen of examination branch councils or on the day following thereto, and shall examine the reports in the presence of the examination witnesses.

Article 30. (Record of examination) The chairman of examination shall make out a record of examination, shall describe thereon the state of the examination and shall sign his name thereon together with the examination witnesses.

Any record of examination shall be preserved by the people's examination of the Supreme Court Judges Administration Committee for a period of ten (10) years from the date for examination together with the papers pertaining to the report mentioned in Article 28.

Article 31. (A judge who has been voted for dismissal) A judge about whom the votes favoring his dismissal exceed those opposing his dismissal shall be regarded as one to be dismissed, except where the number of the votes favoring his dismissal does not reach one-hundred-fiftieth of the total number of voters whose names appear in the poll-book for the election of Members of the House of Representatives as on the day of its determination.

Article 32. (Report and notification of the results of examination) The chairman of examination shall, upon having completed the examination under the provisions of Article 29, paragraph 5 forthwith report to the People's Examination of the Supreme Court Judges Admin-

istration Committee the full name of any judge who is favored to be dismissed, the number of votes favoring his dismissal, the number of votes opposed to his dismissal and other circumstances of the examination

The People's Examination of the Supreme Court Judges Administration Committee shall, upon receiving the report mentioned in the preceding paragraph, forthwith inform any judge who is favored to be dismissed to that effect, notify by the Official Gazette the full name of any judge who is favored to be dismissed at the same time and give notice to the Prime Minister

Article 33 (Other matters relating to examination branch councils and the examination council) With the exception of the matters provided in the present Law or in an order to be issued in pursuance thereof, with respect to examination branch councils and the examination council, the provisions of Chapter VI of the Law for the Election of Members of the House of Representatives shall apply with the necessary modifications

Chapter IV Result of Examination

Article 34 (Effect of dismissal) A judge whose dismissal has been favored shall be dismissed after the lapse of the time during which an action under Article 35 or Article 37 may be brought (and, in case where such action has been brought on the day when the case has ceased to be pending in the Court or on the day on which a Judgment overruling the objection becomes final)

A judge dismissed as a result of examination cannot be appointed Judge of the Supreme Court during five years on and after the day of his dismissal

A judge mentioned in the first paragraph, who has lost his office prior to the day when he is to be dismissed in accordance with the provisions of the said paragraph, shall be deemed to be dismissed in accordance with the provisions of the said paragraph

Chapter V Action

Article 35 (Action for the nullity of examination) Any person having the right to examine or the judge whom the votes prescribed in the first paragraph of the preceding Article have favored to dismiss, may if he has objection as to the validity of such examination, bring an action against the chairman of the people s examination of judges administration committee to the Tokyo High Court within thirty (30) days of the date on which the notification under the provisions of Article 32, paragraph 2 has been effected

Article 36 (Judgment pronouncing examination null and void) In an action brought in accordance with the provisions of the preceding Article, if any contravention of the present Law or an order issued thereunder is made in regard to examination, the Court shall render a judgment pronouncing the whole or a part of the examination null and void, only in cases where there is apprehension that but for such contravention the result of the examination might have been changed

Also in an action brought in accordance with the provisions of Article 37, if examination comes under the case mentioned in the preceding paragraph, the Court shall render a judgment pronouncing such examination null and void

Article 37 (Action for the nullity of dismissal) A Judge whose dismissal has been favored may, if he has objection as to the validity of the dismissal, bring an action against the chairman of the people s examination of the Supreme Court Judges Administration Committee to the Tokyo High Court within thirty (30) days of the date on which the notification in accordance with the provisions of Article 32, paragraph 2 has been affected

Article 38. (Order of judgment) With respect to actions brought in accordance with the provision of Article 35 or the preceding Article, the Court shall speedily render judgment thereon, giving such actions priority irrespectively of the order of other actions

Article 39. (Notice concerning actions) If an action under the provisions of any of Articles 35 and 37 has been brought or has ceased to be pending at a Court, or a judgment has become final and conclusive on the said action, the president of the Court concerned shall forthwith give notice of that effect to the Prime Minister

Article 40 (Procedure) Except as otherwise provided in Article 35 to the preceding Article inclusive, with respect to an action brought in accordance with the provisions of any of Articles 35 and 37, the rules of civil procedure (except renewal of procedure) shall govern

Article 41 (Notification of nullity of examination and so forth) If, as a result of an action brought in accordance with the provisions of any of Articles 35 and 37, a judgment pronouncing examination or dismissal null and void has become final and conclusive, the People s Examination of Judges Administration Committee shall forthwith notify of that effect by the Official Gazette

Chapter VI Renewal of Examination

Article 42. (Renewal of Examination) In case where the whole or a part of an examination has become null *and void as a result of an action brought in accordance with the provisions of any of Articles 35 and 37, another*

Article 53. (Application to Special Examination Wards and so forth) The provisions relating to Cities in the present Law shall apply to Special Wards, Administrative Wards and Wards, so far as the area in Tokyo Metropolis divided into Wards, Special Cities and the Cities mentioned in Article 155, paragraph 2 of the Local Self-Government Law are concerned.

Article 54. (Exceptions as to associations of towns and villages and so forth) With respect to the applications of the present Law, a whole-affairs-association or an office-affairs-association shall be deemed to be a single town or village, and election administration committees and election administration commissions of such association shall respectively be deemed to be election administration committees and election administration commissioners of town and village.

Article 55. (Exceptions as to places most difficult of access and so forth) Special provisions may be made by a Cabinet Order in regard to matters to which the provisions of the present Law are difficult to apply on islands or such other places most difficult of access.

Article 56. (Provisions with respect to the enforcement) Provisions which may be necessary in connection with the enforcement of the present Law shall be made by a Cabinet Order.

Supplementary Provision

The date on which the present Law comes into force shall be fixed by a Cabinet Order.

Remarks

1. The paper to be used for the ballot must be of such kind as the mark of X cannot be seen from outside when folded.

2. The said paper may be a folding type and need not necessarily be a slip-in type.

3. The Seal of the City, Town or Village may be substituted for the stamp to be put on the ballot paper in accordance with a decision of the Commission for Overseeing the Election of such City, District or Prefecture.

Annex

Note:

1. Enter the mark of X in the column over the name of a judge whose dismissal is considered desirable.

2. Leave blank the column over the name of a judge whose dismissal is not considered desirable.

3. Do not make any entry other than the mark of X.

The mark of X. The name of a judge.

Ballot of the People's Examination of the Supreme Court Judges.

ADJUDGMENT OF DOMESTIC RELATIONS LAW

(Law No 152, December 4, 1947)

Chapter I General Provisions

Article 1 This Law shall have for its object the maintenance of domestic peace and sound collective life of relatives on the basis of individual dignity and essential equality of the sexes

Article 2 The branch of the Local Court established in accordance with the provisions of the Court Organization Law for the purpose of rendering decree or effecting conciliation with regard to cases relating to family shall be the Court of Domestic Relations and the judges serving in such branch shall be judges of domestic relations

Article 3 The judge of domestic relations who sits alone shall, on causing the councillors to attend or hearing their opinions, render decree

The conciliation shall be effected by conciliation committee which shall consist of judge of domestic relations and conciliation commissioners

If deemed suitable, the Court of Domestic Relations may render decree or effect conciliation only by a single judge notwithstanding the provisions of the preceding two paragraphs

Article 4 The provisions of the Code of Procedure [illegible] so to clerks of the Court of Domestic Relations

Article 5 The travelling expenses, daily allowance and hotel charges determined by the Supreme Court shall be paid to councillors and conciliation commissioners

Article 6 In order to make application for decree or conciliation, the fee determined by the Supreme Court shall be paid

Article 7 Except as otherwise provided, the provisions of Book 1 of the Law of Procedure in Noncontentious Matters shall, unless contrary to its nature, apply with the necessary modifications to decree and conciliation, excepting, however, the provisions of Article 15 of the said Law

Article 8 Except provided in this Law, the matters necessary for decree and conciliation shall be determined by the Supreme Court

Chapter II Decree

Article 9 The Court of Domestic Relations shall try and render decree on the following matters

(A)

1 Adjudication of incompetency and revocation thereof in accordance with the provisions of Articles 7 and 10 of the Civil Code,

2 Adjudication of quasi incompetency, revocation thereof and other measures relating to quasi incompetency in accordance with the provisions of Article 12, Paragraph 2, and Article 13 of the Civil Code,

3 Measures relating to management of absentee's property in accordance with the provisions of Articles 25 to 29 inclusive of the Civil Code,

4 Judicial declaration of disappearance and annulment thereof in accordance with the provisions of Article 30 and Article 32, Paragraph 1 of the Civil Code,

[illegible]

Paragraphs 1 and 2 of the Civil Code,

7 Permission of adoption in accordance with the provisions of any of Articles 794 and 798 of the Civil Code,

8 Permission of abolition of adoptive relations in accordance with the provisions of Article 811, Paragraph 3 of the Civil Code,

9 Permission and other measures relating to disciplinary punishment in accordance with the provisions of Articles 822 and 857 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code),

10 Appointment of special representative in accordance with the provisions of Article 826 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 860 of the same Code),

11. Appointment of administrator of property and other measures relating to management of property in accordance with the provisions of Article 830, Para-

[illegible]

power of administration and annulment thereof in accordance with the provisions of Articles 834 to 836 inclusive of the Civil Code,

13. Permission of resignation or recovery of parental power or power of administration in accordance with the provisions of Article 837 of the Civil Code;

14 Appointment of guardian, curator or supervisor of guardianship in accordance with the provisions of any of Article 841 (including cases where the said provisions

are applicable with the necessary modifications under Article 847, Paragraph 1) and Article 849 of the Civil Code;

15. Permission of resignation of guardian, curator or supervisor of guardianship in accordance with the provisions of Article 844 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 847, Paragraph 1 and Article 852 of the same Code);

16. Dismissal of guardian, curator or supervisor of guardianship in accordance with the provisions of Article 845 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 847, Paragraph 1 and Article 852 of the same Code);

17. Appointment of temporary curator in accordance with the provisions of Article 847, Paragraph 2 of the Civil Code;

18. Elongation of terms for preparing an inventory in accordance with the provisions of the proviso of Article 853, Paragraph 1 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

19. Permission of sending to hospital, supervision and others of a person adjudged incompetent in accordance with the provisions of Article 858, Paragraph 2;

20. Grant of remuneration to guardian in accordance with the provisions of Article 862 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

21. Report of business of guardianship, presentation of inventory, inquiry of guardianship and of state of property, management of property and other measures relating to business of guardianship in accordance with the provisions of Article 863 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

22. Elongation of terms for the account of management in accordance with the provisions of the proviso of Article 870 of the Civil Code;

23. Measures relating to administration of legacy in accordance with the provisions of Article 895 of the Civil Code;

24. Elongation of terms for acceptance or renunciation of inheritance in accordance with the provisions of proviso of Article 915, Paragraph 1 of the Civil Code;

25. Measures relating to preservation or administration of estate of inheritance in accordance with the provisions of Article 918, Paragraphs 2 and 3 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under any of Article 926, Paragraph 2, Article 936, Paragraph 3 and Article 940, Paragraph 2 of the same Code);

26. Reception of declaration of qualified acceptance of inheritance in accordance with the provisions of Article 924 of the Civil Code;

27. Appointment of appraiser in accordance with the provisions of any of Article 930, Paragraph 2 (including cases where the provisions thereof are applicable with the necessary modifications under any of Article 947, Paragraph 3, Article 950, Paragraph 2 and Article 957, Paragraph 2), the proviso of Article 932 (including cases where the provisions thereof are applicable with the necessary modifications under any of Article 947, Paragraph 3 and Article 950, Paragraph 2) and Article 1029, Paragraph 2 of the Civil Code;

28. Appointment of administrator of the estate of inheritance in accordance with the provisions of Article 936, Paragraph 1 of the Civil Code;

29. Reception of declaration of renunciation of inheritance in accordance with the provisions of Article 938 of the Civil Code;

30. Measures relating to separation of estate of inheritance in accordance with the provisions of any of Article 941, Paragraph 1 and Article 950, Paragraph 1 of the Civil Code;

31. Measures relating to administration of estate of inheritance in accordance with the provisions of Article 943 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 950, Paragraph 2 of the same Code);

32. Appointment of administrator and other measures relating to administration of estate of inheritance in accordance with the provisions of Articles 952 and 953 or Article 958 of the Civil Code;

33. Confirmation of will in accordance with the provisions of any of Article 976, Paragraph 2 and Article 979, Paragraph 2 of the Civil Code;

34. Probate of will in accordance with the provisions of Article 1004, Paragraph 1 of the Civil Code;

35. Appointment of executor in accordance with the provisions of Article 1010 of the Civil Code;

36. Grant of remuneration to executor in accordance with the provisions of Article 1018, Paragraph 1 of the Civil Code;

37. Removal and permission of resignation of executor in accordance with the provisions of Article 1019 of the Civil Code;

38. Revocation of will in accordance with the provisions of Article 1027 of the Civil Code;

39. Permission of renunciation of legally secured portion in accordance with the provisions of Article 1043, Paragraph 1 of the Civil Code;

(B)

1. Measures relating to cohabitation of husband and wife and to cooperation and support between them in accordance with the provisions of Article 752 of the Civil Code;

2. Measures relating to change of administrator of

property and to partition of common property in accordance with the provisions of Article 758, Paragraphs 2 and 3 of the Civil Code,

3 Measures relating to share of expenses arisen from marriage in accordance with the provisions of Article 760 of the Civil Code,

4 Designation of superintendent of child and other measures relating to superintendence of child in accordance with the provisions of any of Article 766, Paragraphs 1 and 2 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Articles 749, 771 and 788 of the same Code),

5 Measures relating to distribution of property in accordance with the provisions of Article 768, Paragraph 2 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Articles 749 and 771 of the same Code),

6 Designation of successor to right mentioned in Article 897, Paragraph 1 in accordance with the provisions of any of Article 769, Paragraph 2 (including cases where the said provisions are applicable with the necessary modifications under Article 749, Article 751, Paragraph 2, Article 771, Article 808, Paragraph 2 and Article 817) and Article 897, Paragraph 2 of the Civil Code,

7 Designation of person having parental power and change thereof in accordance with the provisions of any of Article 819, Paragraphs 5 and 6 of the Civil Code,

8 Measures relating to support in accordance with the provisions of Articles 877 to 880 inclusive of the Civil Code,

9 Exclusion of Presumption heir and revocation thereof in accordance with the provisions of Articles 892 to 894 inclusive of the Civil Code,

10 Measures relating to partition of property succeeded to in accordance with the provisions of Article 907, Paragraphs 2 and 3 of the Civil Code

The Court of Domestic Relations shall have the power to try and render decree on matters which fall under its jurisdiction specially pursuant to other laws in addition to those prescribed in this Law

Article 10 The number of councillors shall be one or more with regard to each case

The councillors shall be nominated by the Court of Domestic Relations with regard to each case from among those appointed beforehand every year by the Local Court

The qualification and number of the persons to be appointed by the preceding paragraph and other matters necessary for making appointment referred to in the [illegible]

[illegible]

Article 9, Paragraph 1 to conciliation

Article 12 The Court of Domestic Relations may, if deemed suitable, cause any person interested in the result of decree to intervene in the proceedings of decree

Article 13. The decree shall have its effect by giving notification to the person who receives decree, but the decree against which immediate complaint may be raised shall not be effective unless it becomes final and inclusive

Article 14 Immediate complaint only may be raised against decree pursuant to the provisions specified by the Supreme Court, and the term thereof shall be two weeks

Article 15 The decree ordering payment of money, delivery of thing, performance of duty of registration or other performance shall have the same effect as an executory obligatory title

Article 16 The provisions of Articles 644, 646, 647 and 650 of the Civil Code shall apply with the necessary modifications to an administrator of property appointed by the Court of Domestic Relations

Chapter III Conciliation

Article 17 The Court of Domestic Relations shall effect conciliation in respect of any case of personal affairs and other case relating to family, however, this shall not apply to any case mentioned in (A) of Article 9, Paragraph 1

Article 18 Any person who wishes to bring an action in respect of a case about which conciliation may be effected in accordance with the preceding Article shall, at first, apply for conciliation in a Court of Domestic Relations

In cases where an action has been brought without applying for conciliation in respect of a case mentioned in the preceding paragraph, the Court shall submit such case to conciliation in a Court of Domestic Relations, however, this shall not apply to cases where the Court considers it unsuitable to submit to conciliation

Article 19. In cases where in respect of a case about which conciliation may be effected in accordance with the provisions of Article 17 an action is pending, the Court may, of its own motion, transfer such case under conciliation of the Court of Domestic Relations at any time

Article 20 The provisions of Article 12 shall apply with the necessary modifications to conciliation proceedings

Article 21 If in conciliation an agreement is arrived at between both parties and is stated in a protocol, conciliation shall be deemed to have been concluded and such statement shall have the same effect as a final and conclusive decision But with regard to cases mentioned in (B) of Article 9, Paragraph 1, it shall have the same effect as an irrevocable decree

The provisions of the preceding paragraph shall not apply to cases mentioned in Article 23.

Article 22. The conciliation committee shall consist of a judge of domestic relations and two or more conciliation commissioners.

The conciliation commissioners shall be nominated with regard to each case by judge of domestic relations from among the following persons:

1. The persons appointed beforehand every year by the Local Court;
2. The persons determined by agreement of both parties.

If considered necessary for disposing of a case, a judge of domestic relations may nominate as conciliation commissioner any person who does not fall under the preceding paragraph.

Article 23. In cases where in conciliation before conciliation committee of a case relating to nullity or annulment of marriage or adoption an agreement is arrived at between both parties and the existence of cause of nullity or annulment is not disputable, a Court of Domestic Relations may, if upon inquiring necessary facts and hearing the opinions of conciliation commissioners it considers reasonable, render decree corresponding to such agreement as regards nullity or annulment of marriage or adoption.

The provisions of the preceding paragraph shall apply with the necessary modifications to conciliation before conciliation committee of a case relating to nullity or annulment of divorce by agreement, or abolition of adoptive relations by agreement, acknowledgement or nullity or annulment thereof, determining father in accordance with the provisions of Article 773 of the Civil Code, denial of legitimacy or confirmation of existence or nonexistence of family relations.

Article 24. If, in cases where conciliation before conciliation committee is unsuccessful, a Court of Domestic Relations recognizes suitable, it may, upon hearing the opinions of conciliation commissioners and considering equity for both parties and all the circumstances, of its own motion, render decree of divorce, abolition of adoptive relations or other necessary for the solution of the case, in so far as it is not contrary to the purport of applications of both parties. In this decree the payment of money or other property performance may be ordered.

The provisions of the preceding paragraph shall not apply to cases mentioned in (B) of Article 9, Paragraph 1.

Article 25. Against decree rendered in accordance with the provisions of Article 23 or Paragraph 1 of the preceding Article, an objection may be raised to a Court of Domestic Relations pursuant to the provisions specified by the Supreme Court, and the term thereof shall be two weeks.

If an objection is raised within the terms prescribed in the preceding paragraph, the decree of the said paragraph shall lose its effect.

If no objection is raised within the terms prescribed in Paragraph 1, the decree of the said paragraph shall have the same effect as a final and conclusive decision.

Article 26. In cases where conciliation is unsuccessful in respect of a case of decree mentioned in (B) of Article 9, Paragraph 1, it shall be deemed that an application for decree has been made at the time when conciliation was applied for.

If, in cases where in respect of a case about which conciliation may be effected in accordance with the provisions of Article 17 conciliation is unsuccessful and decree mentioned in any of Articles 23 and 24, Paragraph 1 is not rendered or decree loses its effect in accordance with the provisions of Paragraph 2 of the preceding Article, the party brings an action within two weeks as from the day on which he received the notice to the effect, it shall be deemed that such action has been brought at the time when conciliation was applied for.

Chapter IV. Penal Provisions

Article 27. If any interested person summoned by a Court of Domestic Relations or conciliation committee does not appear without proper reason, the Court of Domestic Relations shall punish him with an administrative fine not exceeding five hundred yen.

Article 28. If any person who is or was conciliation commissioner reveals the process of deliberation, the opinions of judge of domestic relations or conciliation commissioners or the number of each opinion without proper reason, he shall be liable to a fine not exceeding one thousand yen.

The same shall apply in cases where any person who is or was councillor reveals the opinions of judge of domestic relations or councillors.

Article 29. If any person who is or was councillor or conciliation commissioner reveals, without proper reason any secret of other person known by him in relation to matters which he officially disposed of, he shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding three thousand yen.

Supplementary Provisions

This Law shall come into force as from January 1, 1948.

In application of this Law, measures relating to partition of property mentioned in Article 10 of the Supplementary Provisions of the Law for the Partial Amendment of the Civil Code coming into force on the same day as this Law (hereinafter referred to as the Supplementary Provisions of the New Civil Code), designation of person having parental power or change thereof men-

tioned in any Article 14, Paragraphs 2 and 3 of the Supplementary Provisions of the New Civil Code, alteration or revocation of decision rendered in respect of support mentioned in Article 24 of the Supplementary Provisions of the New Civil Code, measures relating to distribution of property mentioned in Article 27, Paragraph 2 of the Supplementary Provisions of the New Civil Code (including cases where the provisions of such paragraph shall apply with the necessary modifications under the proviso of Article 25, Paragraph 2, Article 26, Paragraph 2 and Article 28 of the Supplementary Provisions of the New Civil Code) and measures relating to partition of property succeeded to as mentioned in Article 32 of the Supplementary Provisions of the New Civil Code, shall be deemed to be matters mentioned in (B) of Article 9, Paragraph 1, and confirmation of will mentioned in Article 33 of the Supplementary Provisions of the New Civil Code shall be deemed matters as mentioned in (A) of Article 9, Paragraph 1

THE NATIONAL ELECTION MANAGEMENT COMMISSION LAW

(Law No. 154, December 7, 1947)

Article 1. There shall be established the National Election Management Commission in order to manage the election, the voting, the people's examination and other business, in accordance with the provisions of this law.

The National Election Management Commission shall be placed under the jurisdiction of the Prime Minister.

Article 2. The Commissioners of the National Election Management Commission shall perform their functions independently of any political affiliations.

Article 3. The National Election Management Commission shall be in charge of the following matters:

1. Matters pertaining to the research and the collection of data concerning the election of the Members of the Diet, the election to be conducted under the Local Autonomy Law, as well as the matters pertaining to these systems.
2. Matters pertaining to the research and the collection of data concerning the people's examination under the Law for People's Examination of the Supreme Court Judges and the voting relative to ratification by the people of amendments to the Constitution of Japan, as well as the matters pertaining to these systems.
3. Matters pertaining to the securing of necessary appropriations, the assistance in procuring necessary paper and other preparations concerning the election, the voting and the people's examination prescribed in the preceding two items.
4. Matters pertaining to political parties and political associations.
5. Other matters assigned by law to it.

Article 4. The national Election Management Commission shall, in relation to the business concerning the election of the Members of the Diet, or of the members of the assemblies or the heads of the local public entities, and other voting, direct and supervise the Commission for Overseeing the Election of the Members of the House of Councillors from the National Constituency, the Commissions for Overseeing the Election of Metropolis and Prefectures or of cities, towns and villages (including similar public bodies; the same shall hold good throughout the Law) respectively.

Article 5. The Election Management Commission shall be composed of nine commissioners.

The Commissioners shall be deemed as the persons engaged in public service under law and order.

Article 6. The Commissioners of the National Election Management Commission shall be appointed by the Prime Minister upon the designation of the Diet by a resolution thereof.

Those who have been recommended by various parties or groups on the basis of their actual strength computed from the ratio of the number of the Members of the Diet belonging to the same group or party shall be designated as the Commissioners.

Minor parties or groups may, when necessary, combine with others for the purpose of making recommendation stipulated in the preceding paragraph.

The Diet shall, when it designates the Commissioners, take measures so that those who have been recommended jointly by the minor parties or groups shall also be designated in accordance with the provisions of the preceding two paragraphs.

Article 7. When the Diet designates the Commissioners under paragraph 2 of the preceding Article, it shall, at the same time, designate the reserve Commissioners of the same number as the Commissioners.

The reserve Commissioners shall perform the duties of the Commissioners, in case permanent vacancies have occurred in the seats of the latters.

The preceding Article and Articles 8 to 12 inclusive shall be applied mutatis mutandis to the reserve Commissioners.

Article 8. The term of office of the Commissioners of the National Election Management Commission shall be 3 years, provided, however, that in the case of the absence of the Commissioners during their term of office the term of office of the Commissioner who has filled the vacancy, shall be the remaining period of his or her predecessor.

The Commissioners may be re-appointed, provided, however, that they may not hold office for more than 9 years, consecutively. In spite of the provisions in the above two items, in case the term of office of the Commissioners shall have expired during the period of adjournment of the Diet or while the House of Representatives stands dissolved, they shall still remain in office until the Commissioners are newly designated at the first session of the Diet covened thereafter, and appointed by the Prime Minister.

Article 9. The Commissioners of the National Election Management Commission shall not concurrently be the members of the Diet or members of the Assemblies or heads of local public entities.

Article 10. Any person who comes under any of the following Items shall not be qualified to be a Commissioner of the National Election Management Commission.

1. Person under disability or quasi disability.
2. Any person who has committed any of the offenses and is sentenced to punishment in relation to elections under the Election Law for Members of the House of Representatives and the Election Law for Members of the House of Councillors, Elections or voting held under the Local Autonomy Law, or examinations under the Law for People's Examination of the Supreme Court Judges.

3 Any person, who has, apart from the preceding item, been sentenced to imprisonment or heavier punishment, and has not served out his sentence, or until he is exempted from its execution

4 Any person who has been dismissed on account of his misconduct during his tenure of office as the Commissioner of the National Election Management Commission

Article 11 The Prime Minister shall dismiss a Commissioner of the National Election Management Commission, in case the latter comes under any of the following Items, provided, however, that, in case of Items 1 and 2, he shall previously obtain an approval of the National Diet

1 In case a Commissioner is prevented from performing his duties on account of mental and physical weakness

2 In case a Commissioner has acted in violation of his official duty or has committed other misconducts *derogatory to the post of a Commissioner*

3 When the dismissal of a Commissioner has been recommended by a resolution of the Diet

In case the approval of the Diet as provided for by the proviso to the preceding paragraph shall not be obtainable on account of its adjournment or the dissolution of the House of Representatives, an ex post facto approval of it shall be obtained

Article 12 The Commissioner of the National Election Management Commission shall ipso facto retire under any of the circumstances enumerated hereunder

1 When he contravenes the provision of Article 9

2 When his removal is decided under the procedure of public impeachment prescribed by Law

3 Where he has been a Commissioner of the National Election Management Commission consecutively for 9 years

4 When a Commissioner's application for retire- [illegible]

Prime Minister in accordance with the result of the mutual election of its members

The Chairman of the Commission shall supervise the business of the Commission, represent it and direct and supervise its staff.

The Commission shall nominate, before the fact, a person who shall assume the duty of the Chairman in his absence

The meetings of the Commission shall be convened by its Chairman The Chairman shall *convene a meeting of* the Commission if and when such is requested by not less than 3 of its members

Article 14 The meeting of National Election Management Commission shall not be opened unless one-half or more of its members are present The business of the Commission is decided by the majority of the members attending its meeting In case of a tie, the Chairman shall decide

Article 15 The Chairman of the National Election Management Commission shall receive a remuneration similar, in amount, to the salary paid to a State Minister, and other members of the Commission shall receive *remunerations not less, in amount, than the highest salaries* usually paid to general Government officials

Article 16 A secretariat shall be attached to the Commission to conduct the business pertaining to its meetings

The Director and other staff shall be appointed for such secretariat by Cabinet order

The staff mentioned in the preceding paragraph shall be Government officials

The Director and second-grade officials shall be appointed or removed by the Prime Minister at the instance of the Commission, and the *appointment or removal* of third and lower grade officials shall be executed by the Chairman of the Commission at his own discretion

Article 17 The National Election Management Commission may demand the Government organs concerned for such reports or data as are considered necessary for the execution of its business

Article 18 The National Election Management Commission may make necessary rules, regulations and decide other matters relating to the execution of its functions, besides those provided for by this law

Any rules and regulations made under the preceding paragraph, which require public notification shall be published in the *Official Gazette*

Supplementary

Article 19 The present Law shall come into force as from December 10, 1947 provided, however, until the National Election Management Commission shall completely take over the business prescribed in Article 3 in accordance with the provisions of Article 21, the Home Ministry shall manage such business as heretofore

The National Election Management Commission may review the business managed by the Home Ministry in accordance with the provisions of the proviso of the preceding paragraph.

Article 20 The process of the designation of the Commissioners and the reserve Commissioners of the National Election Management Commission provided for by Article 6, Paragraph 2 and Article 7, Paragraph 3 may be taken prior to the date prescribed in the preceding Article

In the case of the preceding paragraph, the number of the Diet Members of each political party or group existing on the day of promulgation of this law, shall be taken as the standard

Article 21. The business prescribed in Article 3, which now belongs to the Home Ministry, shall be immediately transferred to the National Election Management Commission upon request of the latter. However, the transfer of the business shall not be later than December 31, 1947.

Article 22. The law for the Election of Members of the House of Representatives shall be partly amended as follows:

The words "the Minister for Home Affairs" mentioned Art. 76, 2 of Art. 79, Art. 86, Par. 1 of Art. 106, Art. 107, Par. 1 of Art. 108, Art. 143 and Par. 3 of Art. 144–2 shall be altered to "the National Election Management Commission." The words "the Minister for Home Affairs" mentioned in Article 100 and Article 100–2 shall be altered to "the Prime Minister."

Article 23. The Law for the Election of Members of the House of Councillors shall be partly amended as follows:

The words "be placed under the jurisdiction of the Minister for Home Affairs and" appearing in Paragraph 2 of Article 13 shall be deleted.

The words "the Members" appearing in Article 14, Paragraph 1, shall be altered as "persons other than Members of the Diet, who have the eligibility for a Member of the House of Councillors."

The words "the Minister for Home Affairs" appearing in Art. 63, Par. 2 of Art. 71, Proviso of Art. 75, Par. 2 of Art. 80, Art. 81 and Par. 1 of Art. 82 shall be altered to "the National Election Management Commission."

The words "the Minister for Home Affairs" appearing in Article 83 shall be altered to "the Prime Minister."

Article 24. The Law for People's Examination of the Supreme Court Judges shall be partly amended as follows;

In Paragraph 2 of Article 33, the words "and the National Election Management Commission" shall be added after the words "the Prime Minister."

In Article 40, the words "the National Election Management Commission" shall be added after the words "the Prime Minister."

Article 25. The Law for Exceptions concerning Writings, Drawings, and others for Election Campaigns shall be amended as follows:

"and 1948" shall be added after the words "1947" in Article 1.

The words "the Minister for Home Affairs" appearing in Article 13 shall be altered to "the National Election Management Commission."

"1947" in Paragraph 2 of the Supplementary Rule shall be altered to "1948."

Article 26. The Diet Law shall be partly amended as follows:

The words "the Minister for Home Affairs" appearing in Article 11 shall be altered to "the National Election Management Commission."

THE LOCAL FINANCE COMMITTEE LAW

(Law No 155, December 7, 1947)

Article 1. The Local Finance Committee shall be established provisionally under the jurisdiction of the Prime Minister consequent on the abolition of the Ministry for Home Affairs to foster the autonomy of local finance

Article 2 The Local Finance Committee shall prepare a comprehensive program for the effectuation of local financial autonomy consistent with the national public interest and local control over local responsibil- [illegible] and audit procedures, (4) equitable allocation of national funds for local purposes under local administration, and (5) the financial reports to be made by local public bodies to the national government

Article 3 The Local Finance Committee shall have the power to subpoena witnesses and order the production of records to the agencies concerned for the purposes set forward in the preceding Article

Article 4 The Local Finance Committee shall consist of the following persons appointed by the Prime Minister

1 A Minister of State without portfolio,

2 A representative from the Diet nominated by the Speaker of the House of Representatives and President of House of Councillors,

3 A representative from among the governors of prefectures,

4 A representative from among the mayors of cities,

5 A representative from among the mayors of towns and villages

Article 5 The office of the chairman of the Local Finance Committee shall be filled by the member who is a Minister of State

The chairman shall coordinate the affairs of the Committee, represent it and direct and superintend the officials attached

If there is a disability on the part of the chairman, the member designated by the chairman shall execute his function

Article 6 The Committee shall decide the affairs of the Committee upon obtaining the consent of three or more members

Article 7 The members of the Local Finance Committee (excluding the member who is the Minister of State) shall be paid remunerations of which amount is prescribed by the Prime Minister

The provision of Article 7 of Law No 80, 1947 shall apply mutatis mutandis to the remunerations to be received by a member of the Diet who is to be concurrently a member of Local Finance Committee

Article 8 An office shall be attached to the Committee in order to assist the affairs prescribed in laws

The office shall have necessary officials according to Cabinet Order, provided, however, that all the number of first and second-class officials shall not exceed twelve

Supplementary Provisions

This Law shall be enforced as from thirty days after the date of promulgation

Bills which are necessary in accordance with the plan required to be formulated by Article 2 hereof shall be submitted to the Diet within ninety days after the date of promulgation

The Local Finance Committee shall, after the submission of the plan required by Article 2, continue to be effective one year from the date of promulgation of this law for the purpose of carrying out research necessary for the execution of such plan The provisions of Article 3 shall apply mutatis mutandis to the matter relative to research in such case

The Local Finance Committee may give recommendations to the agencies concerned on the basis of the results of research provided for in the preceding paragraph

The affairs of the Local Finance Committee may be disposed of by such members as appointed successively until all the first members of the Commission have been appointed

The Prime Minister shall, with the assistance of the Local Finance Committee, provisionally take over the authority which the Home Minister has exercised heretofore over local finance under the stipulation of the Local Tax Law, the Local Apportionment Tax Law and other various laws and orders, during the interim period from the time of the dissolution of the Home Ministry to that of the enforcement of the law that shall be promulgated for effectuation of the plan

Minister for Home Affairs
KIMURA Kozaemon
Prime Minister
KATAYAMA, Tetsu

I hereby promulgate the Law concerning the partial amendment to the Local Tax Law.

Signed HIROHITO, Seal of the Emperor

This seventh day of the twelfth month of the twenty-second year of Showa (December 7, 1947)

Prime Minister
KATAYAMA Tetsu

LAW RELATING TO THE AUTHORITY OF THE ATTORNEY GENERAL IN STATE INTEREST CASES

(Law No. 194, December 17, 1947)

Article 1. In the judicial prodecure in which the State is a party or participator, the Attorney General shall represent the State.

Article 2. The Attorney General may nominate a functionary from among his subordinates to take charge of the judicial procedure provided for in the preceding Article.

When the Attorney General considers it necessary in connection with the judicial procedure provided for in the preceding Article, about the matters under the charge or supervision of an Administrative Office, he may, after hearing the opinion of the said Administrative Office, nominate an official of that Office to take charge of the said judicial procedure. In this case, the nominee shall be under the direction of the Attorney General so far as the said judicial procedure is concerned.

Article 3. Notwithstanding the provisions of the preceding Article, the Attorney General may appoint a lawyer as his judicial attorney to take charge of the judicial procedure provided for in Article 1.

Article 4. In a judicial procedure in which the interests of the State and public welfare are deeply involved the Attorney General may, with permission of the Court, express his opinion to the Court or nominate a functionary from among his subordinates and have him express his opinion.

Article 5. An Administrative Office may nominate a functionary from among his subordinates to take charge of the judicial procedure in which it is a party or participator.

Notwithstanding the provisions of the preceding paragraph, an Administrative Office may appoint a lawyer to take charge of the judicial procedure provided for in the provisions of the preceding paragraph.

Article 6. In the judicial procedure provided for in paragraph 1 of the preceding Article, the Administrative Office shall be under the direction of the Attorney General.

When the Attorney General considers it necessary in connection with the judicial procedure provided for in paragraph 1 of the preceding Article he may nominate a functionary from among his subordinates to take charge of the said judicial procedure or dismiss a person who has been nominated or chosen by an Administrative Office in accordance with the provisions of paragraph 1 or 2 of the preceding Article.

The provisions of the preceding two paragraphs shall not apply in regard to a suit concerning a decision (shinketsu) of the Fair Trade Commission.

Article 7. The nominee nominated by the Attorney General or the Administrative Office in accordance with the provisions of Article 2, paragraph 1 or Article 5 of paragraph 2 of the preceding Article, is authorized to do all the judicial acts other than the appointment of the counsel in regard to the said judicial procedure.

Article 8. The provisions of Article 1 to the preceding Article inclusive shall be applicable mutatis mutandis to arbitration or non-judicial cases.

Supplementary Provisions:

This Law shall be enforced on and from the date of the enforcement of the Law Establishing the Attorney General's Office.

A functionary belonging to an Administrative Office, who represents the State in regard to the judicial procedure provided for in Article 1 or 8 which is pending at the time of the enforcement of this Law, shall be considered as nominated, so far as the said judicial procedure is concerned by the Attorney General in accordance with the provisions of paragraph 2 of Article 2 (including the cases wherein these provisions are made applicable mutatis mutandis in Article 8).

The Postal Savings Law shall be partly amended as follows: Article 5 (Deleted).

LAW FOR ESTABLISHMENT OF THE ATTORNEY GENERAL'S OFFICE
(Law No 193, December 17, 1947)

Article 1 There shall be, in the Cabinet, the Attorney General to preside over the legal affairs of the government

The Attorney General shall, as the supreme adviser of the Government on legal questions, give his opinion or advice to the Cabinet, the Prime Minister and the Minister of each Executive Ministry

The Attorney General shall administer matters con- [illegible]

foreign and international litigations concerned with the interests of the State, amnesty, extradition, nationality, family registration, registration of aliens, other registrations, deposit, civil liberties, prison affairs and rehabilitation, matters concerning other legal affairs, matters concerning prohibition, etc, from formation of *political parties, associations and other bodies, made in* accordance with the provisions of the Imperial Ordinance No 101 of the twenty-first year of Showa (1946), matters concerning investigation, etc, of those who were formerly regular officers of the Army and the Navy or retired officers who had specially volunteered for the Army and the Navy made in accordance with the request of the Supreme Commander for the Allied Powers, and matters concerning the investigation of activity, etc, of persons who have been designated as falling under the provisions of the Memorandum, in accordance with the provisions of the Imperial Ordinance No 1 of the twenty-second year of Showa (1947)

Article 2 The Attorney General shall be appointed by the Prime Minister from among those persons deemed specially qualified for the position and shall be a Minister of State

The Attorney General shall be deemed as the competent Minister mentioned in the Cabinet Law.

The provisions of Articles 4 to 7 inclusive of the Administrative Office Law shall apply with the necessary modifications to the Attorney General

However, ' ministerial ordinance ' in Article 6 of the said Law shall read ' Attorney General's Office Ordinance '

Article 3 Under the Attorney General, there shall be the Prosecution Assistant to the Attorney General, the Legislative Assistant to the Attorney General, the Research and Opinion Assistant to the Attorney General, the Litigation Assistant to the Attorney General and the Executive Assistant to the Attorney General Each Assistant to the Attorney General shall supervise and direct this office and the Bureaus under him for the assistance to the Attorney General

In addition to each Assistant to the Attorney General, there shall be a Secretary General, who shall supervise and direct the business of the Attorney General's Secretariat

Article 4 The affairs to be administered by the Attorney General shall be conducted in the Attorney General's Office

Article 5 In addition to the secretariat, there shall be, in the Attorney General's Office, office of each Assistant to the Attorney General and bureaus, divided as below, *under the supervision and direction of each* Assistant to the Attorney General,

- Prosecution Assistant to the Attorney General
  - Prosecution Bureau
  - Special Examining Bureau
- Legislative Assistant to the Attorney General
  - First Legislative Bureau
  - Second Legislative Bureau
  - Third Legislative Bureau
- Research and Opinion Assistant to the Attorney General
  - First Research and Opinion Bureau
  - Second Research and Opinion Bureau
  - Data and Statistics Bureau
- Litigation Assistant to the Attorney General
  - Civil Litigation Bureau
  - Tax Litigation Bureau
  - Administrative Litigation Bureau
- Executive Assistant to the Attorney General
  - Civil Affairs Bureau
  - Civil Liberties Bureau
  - Correction and Rehabilitation General Affairs Bureau
  - Adult Correction and Rehabilitation Bureau
  - Juvenile Correction and Rehabilitation Bureau

Each office of the Assistant to the Attorney General shall administer matters concerning the supervision and direction of bureaus under it

Article 6 The Prosecution Bureau shall be in charge of the following matters·

1 Matters concerning the business of criminal investigation and prosecution and concerning the Public Procurator's Office,

2. Matters concerning the amnesty,

3 Matters concerning extradition,

4 Matters concerning the [illegible] of criminal investigation,

5. Matters concerning the [illegible] and training of judicial police officers,

6 Matters which are connected with the prevention of crime or other [illegible], but which are not under the jurisdiction of other bureaus;

The Special Examining Bureau shall be in charge of the following matters:

1. Matters concerning the prohibition from formation and the dissolution of organizations of any type, form or composition made in accordance with the provisions of the Imperial Ordinance No. 101 of the twenty-first year of Showa (1946) (exclusive of matters provided for in Article 10, paragraph 1, Item 10);

2. Matters concerning the investigation, etc. of those who were formerly regular officers of the Army and the Navy or retired officers who had specially volunteered for the Army and the Navy, made in accordance with the request of the Supreme Commander for the Allied Powers;

3. Matters concerning the investigation of activity, etc. of persons who have been designated as falling under the provisions of the Memorandum, in accordance with the provisions of the Imperial Ordinance No. 1 of the twenty-second year of Showa (1947).

Article 7. The First Legislative Bureau shall be in charge of the matters concerning examining and drafting of bills and Cabinet Orders relating chiefly to matters concerning foreign affairs, public finance or banking and relating to others which do not fall under the jurisdiction of the Second Legislative Bureau and the Third Legislative Bureau and those concerning examining of drafts of treaties.

The Second Legislative Bureau shall be in charge of the matters concerning examining and drafting of bills and Cabinet Orders relating chiefly to matters concerning industry, economy, traffics or communications.

The Third Legislative Bureau shall be in charge of the matters concerning examining and drafting of bills and Cabinet Orders relating chiefly to matters concerning legal affairs, culture, welfare or labour.

The Legislative Assistant to the Attorney General may, if he deems especially necessary, temporarily change the jurisdiction of each bureau.

Article 8. The First Research and Opinion Bureau shall be in charge of the matters concerning study and research of judicial systems, civil and criminal law, domestic, foreign and international, and their operation.

The Second Research and Opinion Bureau shall be in charge of the matters concerning study and research of legal matters, domestic, foreign and international, and their operation, exlusive of matters belong to the jurisdiction of the First Research and Opinion Bureau.

The Data and Statistics Bureau shall be in charge of the following matters:

1. Matters concerning collection, arrangement and compilation of data and materials relating to statutes, other laws and legal matters, domestic and foreign;

2. Matters concerning legal statistics;

3. Matters concerning publicity of laws and ordinances.

In addition to the matters enumerated in the preceding three paragraphs, the First Research and Opinion Bureau, the Second Research and Opinion Bureau and the Data and Statistics Bureau shall be in charge of the matters concerning the statement of opinions or the advice prescribed in Article 1, paragraph 2, in connection with the business over which they have jurisdiction respectively.

Article 9. The Civil Litigation Bureau shall administer the matters concerning civil litigation.

The Tax Litigation Bureau shall administer the matters relating to litigations which are concerned in taxes and customs.

The Administrative Litigation Bureau shall administer the matters concerning all administrative litigations exclusive of those falling under the jurisdiction of the Tax Litigation Bureau.

Article 10. The Civil Affairs Bureau shall administer the following affairs:

1. Matters concerning nationality;

2. Matters concerning family registration;

3. Matters concerning the registration of aliens;

4. Matters concerning the registration of land and others (Tōki);

5. Matters concerning deposits;

6. Matters concerning notarial acts;

7. Matters concerning judicial scriveners;

8. Matters concerning judicial affairs bureaus;

9. Matters concerning the registration of political parties made in accordance with the provisions of the Imperial Ordinance No. 101 of the twenty-first year of Showa (1946);

10. Matters concerning receipt and disposal of properties of political parties, societies and other organizations dissolved in accordance with the provisions of the Imperial Ordinance No. 101 of the twenty-first year of Showa (1946);

11. Any other matters concerning civil affairs which do not belong to other jurisdictions.

The Civil Liberties Bureau shall administer the following affairs:

1. Matters concerning the investigation of cases in violation of civil liberties and the collection of information thereof;

2. Matters concerning the promotion of civil liberty movement;

3. Matters concerning habeas corpus;

4. Matters concerning legal aid to the poor;

5. Any other matters concerning civil liberties.

The Correction and Rehabilitation General Affairs Bureau shall administer the following matters:

1. Matters concerning planning of policies in respect to the prison affairs and the rehabilitation of offenders, and concerning adjustment of the business thereof;

2. Matters concerning prisons, houses of detention, juvenile protection offices, public reformatories and other public institutions for correction and rehabilitation of juveniles;

3 Matters concerning culture and training of the staff for correction and rehabilitation;

[illegible]

administer the following matters

1 Matters concerning the execution of penalties and detention of adults,

2 Matters concerning the rehabilitation of adult offenders,

3 Matters concerning the rehabilitation work of adults

The Juvenile Correction and Rehabilitation Bureau shall administer the following matters

1 Matters concerning the execution of penalties and detention of juveniles,

2 Matters concerning the rehabilitation of juveniles placed under correction by the juvenile court,

3 Matters concerning the rehabilitation work for juveniles placed under correction by the juvenile court

Article 11 The Secretariat shall be in charge of the following matters

1 Matters concerning the custody of a copy of the genealogical table of the Imperial Household,

2 Matters concerning confidential affairs,

3 Matters concerning the keeping of seals of the Attorney General and the office thereof,

4 Matters concerning general inspection of administration under the jurisdiction of the Attorney General,

5 Matters concerning the receiving, sending, compilation and preservation of official documents,

6 Matters concerning the appointment, dismissal and other status of personnel,

7 Matters concerning lawyers and the bar associations,

8 Matters concerning the Research and Training Institute of the Attorney General s Office,

9 Matters concerning estimate, settlement and account of expenses and revenues, and concerning audit of account,

10 Matters concerning properties and commodities of the Attorney General s Office and its subordinate agencies,

11 Matters concerning the Liaison business

Article 12 Matters which do not belong to any bureau as provided for in Article 5, paragraph 2 and Article 6 to the preceding Article inclusive shall be administered as fixed by the Attorney General

Article 13 In addition to matters prescribed by this Law, necessary matters concerning special organs and personnel of the Attorney General's Office shall be provided for by Cabinet Order Necessary matters concerning the sections or units which are under each bureau, under each office of the Assistant to the Attorney General and under the Secretariat, shall be fixed by the Attorney General

Supplementary Provisions

Article 14 The present Law shall come into force on the day when 60 days have elapsed from the day of its promulgation

Article 15 The Attorney General shall have jurisdiction over private institutions for correction and rehabilitation, which have, hitherto, fallen under the jurisdiction of the Minister of Justice until March 31, 1949, but shall be required, from April 1, 1948, to obtain the advice of and exchange opinions with the Minister of Welfare regarding operation of such institutions, as shall be provided by Cabinet Order

The Attorney General shall continue to exercise the same jurisdiction over matters concerning rehabilitation of juveniles as has been exercised by the Minister of Justice until March 31, 1948 From April 1, 1948, jurisdiction over juveniles about whom there is apprehension of delinquency will be transferred to the Minister of Welfare, except over those who have been placed under correction by Juvenile Court

The Attorney General will examine the records of all inmates of the institutions mentioned in paragraph one of this Article and those juveniles about whom it has been ascertained that they have committed crimes or those who have been placed under correction by the Juvenile Courts will be removed to public reformatories or other public institutions for correction and rehabilitation by March 31, 1949, by which date there are to be no private institutions used for reformatories or for correction and rehabilitation

Until removals mentioned in the preceding paragraph have been finished, the Attorney General, in cooperation with the Minister of Welfare, will supervise strictly all private institutions for correction and rehabilitation and all private reformatories to insure maintenance of high standards of conduct and operation

POLICE LAW
(Law No. 196, December 8, 1947)

Contents:

The Police Law

In conformity with the Constitution of Japan which preserves the ideal of human liberty for the nation and with a view to furthering the principle of Local Autonomy, the National Diet for the purpose of maintaining order, strengthening the enforcement of statute, securing the maximum of human dignity through recognition of individual and communal responsibility, and establishing systems of democratic authority vested in the people to safeguard the rights and liberties of the individual, does enact the Police Law as follows:

Chapter I. General Provisions

Article 1. The Police shall have charge of protecting lives, persons and properties of the people, detecting crimes, apprehending suspects and maintaining public safety.

Activities of the police shall be strictly limited to the extent mentioned in the preceding in any way such as to interfere with the civil liberties and rights of the individual, as guaranteed in the Constitution of Japan.

Article 2. The term "Administrative control" as used in the present Law shall comprehend all matters relating to the organization and budget of the police as well as to personnel affairs of its officials.

The term "Operational control" as used in the present Law shall comprehend the matters relating to the following affairs:

1. Maintenance of public order;
2. Protection of life and property;
3. Prevention and suppression of crimes;
4. Detection of crimes and apprehension of suspects;
5. Control of traffic;
6. Serving of warrants of arrest and of detention and other affairs ordered by the Court, Judge or Public Procurator and provided for by law.

The term "Crimes" as used in the present Law shall include violations of economic laws and ordinances, but shall not be limited thereto.

Article 3. The oath of office taken by all categories of personnel subject to this Law shall include the obligation to defend and uphold the Constitution and the laws of Japan.

Chapter II. National Rural Police

Section 1. National Public Safety Commission

Article 4. There shall be established under the jurisdiction of the Prime Minister a National Public Safety Commission and a National Rural Police Force not to exceed 30,000 of police personnel in strength, the expenses of which shall be borne by the National Government.

The National Public Safety Commission shall take charge of the following affairs:

1. Matters concerning the maintenance and control of the police communication system (except systems connecting the headquarters of the police of autonomous entities with lower organizations within their jurisdiction), provided that the police of autonomous entities

shall have access to police communication systems for [illegible]

3 Matters concerning the maintenance and control of police education and training facilities,

4 Other matters concerning the administrative control of the National Rural Police,

5 Matters concerning criminal identification and criminal statistics,

6 Matters concerning the preparation and execution of plans for integrating the police to cope with a state of national emergency,

7 Matters concerning the control of the Imperial Guard, and policing of those buildings and facilities occupied by the Diet, Cabinet Ministries (including the Prime Minister's Office and Attorney General's Office), Board of Audit and the Supreme Court within the Metropolis upon request of the agencies concerned

Article 5 The National Public Safety Commission shall be composed of five members

Members of the Commission shall be appointed by the Prime Minister with the consent of both Houses of the Diet from among persons who have not been in the police service or who have not the career of public servants in the Government or public offices (except those who have been either elected or appointed through the public election or the election or resolution of one or both Houses of the Diet or of the Assemblies of local autonomous entities subsequent to September 2, 1945)

If, in regard to the appointment of a member of the Commission, the House of Representatives consents, but the House of Councillors does not, the consent of the House of Representatives shall be the consent of the Diet in conformity with the instance mentioned in Article 67, Paragraph 2 of the Constitution of Japan

A person falling under any of the following numbered items shall not be able to become a member of the Commission

1 An incompetent or quasi-incompetent person, or a bankrupt who has not been rehabilitated,

2 A person who has been sentenced to imprisonment or a heavier punishment,

3 A person who, on and after the day of enforcement of the Constitution of Japan, has organized or joined a political party or any other organization advocating destruction by violence of the Constitution of Japan or the Government formed thereunder

The appointment of members of the Commission shall not result in three or more of them belonging to the same political party

Article 6 The provisions of Section 7 of Chapter III of the National Public Service Law shall apply mutatis mutandis to members of the Commission

Members of the Commission shall not become officers of a political party or any other political organization

Article 7 The term of office of members of the Commission shall be five years, provided that a member filling a vacancy shall remain in office during the rest of the term of office of his predecessor

Members of the Commission may be reappointed

Article 8 In case a member of the Commission has come to fall under any of the items of Article 5, Paragraph 4, he shall ipso facto be relieved of his office

The Prime Minister may, in case he considers that a member of the Commission has been incapacitated from performing his duties on account of a mental or physical defect or that he has violated his official obligations or committed a misconduct ill befitting a member of the Commission, dismiss him with the consent of both Houses of the Diet

The Prime Minister shall dismiss the following members of the Commission with the consent of both Houses of the Diet

1 All except two of such members of the Commission as have simultaneously come to belong to the same political party to which none of the members have belonged,

2 All except one of such members of the Commission as have come to belong to a political party to which one of the members of the Commission has already belonged

The provisions of Article 5, Paragraph 3, shall apply mutatis mutandis to the cases mentioned in the preceding two Paragraphs

The Prime Minister shall immediately dismiss a member of the Commission who has come to belong to a political party to which two members of the Commission have already belonged

Except in the cases mentioned in Paragraphs 2 and 3 and the preceding paragraph, no member of the Commission shall be dismissed against his will

Article 9 Members of the Commission shall receive a salary similar to that of the Procurator-General

Article 10 There shall be a chairman of the Commission who shall be selected and appointed through cooptation by its members. The term of office of the chairman shall be one year, provided that he may be re-appointed

The chairman shall preside over the affairs of the National Public Safety Commission

Section 2 Executive Office of the National Public Safety Commission

Article 11. There shall be established in the Public Safety Commission as its executive office a headquarters of the National Rural Police to deal with the affairs concerning the matters within the authority of the National Public Safety Commission

Article 12. There shall be appointed a Director-General in the Headquarters of the National Rural Police

The Director-General shall be appointed, and dismissed for cause, by the National Public Safety Commission in accordance with the provisions of the National Public Service Law.

Article 13. The Director-General shall be subject to the direction and supervision of the National Public Safety Commission and control the affairs of the Headquarters of the National Rural Police.

Article 14. In the Headquarters of the National Rural Police, there shall be no more than five divisions, comprising in them General Affairs Division, Police Affairs Division and Criminal Investigation Division.

There shall be attached to the Headquarters of the National Rural Police a Police College.

The Police College shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

Article 15. In the Headquarters of the National Rural Police, there shall be an Assistant-Director, not more than five Chiefs of Divisions and police personnel, other necessary subordinate personnel and subordinate organs as provided for by the National Public Safety Commission.

The personnel mentioned in the preceding paragraph shall be appointed, and dismissed for cause, by the Director General of the Headquarters of the National Rural Police in accordance with the provisions of the National Public Service Law.

Article 16. The whole country shall be divided into six Police Regions and there shall be established in each Police Region a Headquarters of the Police Region as a local office of the National Rural Police to take charge of the assigned affairs of the Headquarters of the National Rural Police.

The area and name of each Police Region and the location and name of the Headquarters of each Police Region shall be in accordance with the appended list.

Article 17. In the Headquarters of each Police Region, there shall be a Director, Police personnel and other necessary personnel and organs as provided for by the National Public Safety Commission.

The organization shall follow the pattern as established for the National Rural Police Headquarters.

The personnel provided for in the preceding paragraph shall be appointed, and dismissed for cause, by the Director General of the Headquarters of the National Rural Police in accordance with the provisions of the National Public Service Law.

Article 18. The Directors of the Headquarters of Police Regions shall be subject to the direction and supervision of the Director-General of the Headquarters of the National Rural Police, deal with the affairs of the Headquarters of Police Regions and administratively coordinate and promote the uniformity of the National Rural Police of To, Do and Prefectures under their jurisdiction.

The Directors of the Headquarters of Police Regions and Public Safety Commissions of To, Do and Prefectures shall maintain close liaison and adequately cooperate with each other in regard to police matters.

Article 19. There shall be attached to the Headquarters of each National Rural Police Region a Regional Police School.

The Regional Police School shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

The Regional Police Schools and the Police College shall be maintained and operated by the National Rural Police.

Section 3. Public Safety Commission of To (Metropolis), Do (Hokkaido) and Prefectures

Article 20. There shall be established under the jurisdiction of the Governors of To, Do and Prefectures Public Safety Commissions of To, Do and Prefectures.

The Public Safety Commissions of To, Do and Prefectures shall exercise operational control over the National Rural Police of To, Do and Prefectures.

Article 21. The Public Safety Commissions of To, Do and Prefectures shall each be composed of three members.

Members of the Commission shall be appointed by the Metropolitan, Hokkaido or Prefectural Governor with the consent of the Metropolitan, Hokkaido or Prefectural Assembly from among persons of the respective Metropolitan, Hokkaido or Prefectural Assembly and who have not been in the police service or have not the career of public servants in the Government or public office (except those who have been either elected or appointed through the public election or the election or resolution of one or both Houses of the Diet or of the Assemblies of local autonomous entities subsequent to September 2, 1945).

A person falling under any of the following items shall not become a member of the Commission:

1. A bankrupt who has not been rehabilitated;
2. A person whose sentence of imprisonment or a heavier punishment has been executed;
3. A person who, on and after the date of enforcement of the Constitution of Japan, has organized or joined a political party or any other organization advocating destruction by violence of the Constitution of Japan or the Government formed thereunder.

The appointment of members of the Commission shall not result in two or more of them belonging to the same political party.

Article 22. Members of the Commission shall not be able to become concurrently members of the Assemblies or salaried personnel of the Metropolis, Hokkaido, Prefectures, Special Wards, cities, towns or villages, or officers of a political party or any other political organization.

In addition to the preceding paragraph, matters concerning the performance of duties of members of the Commission shall be fixed by *Metropolitan, Hokkaido or* Prefectural Regulations in line with the provisions of Section 7 of Chapter III of the National Public Servants Law However, the restrictions provided for in Articles 103 and 104 of the same Law shall not apply except in case the Governors of To, Do and Prefectures consider that a member of the Commission has been incapacitated from his service, and with regard to the service of members of the Commission it shall be fixed by the Public Safety Commission of To, Do and Prefectures

Article 23 The term of office of members of the Commission shall be three years, provided that a member *filling vacancy shall remain in office during the rest of* the term of office of his predecessor

Members of the Commission may be reappointed

Article 24 In case a member of the Commission falls under any of the following items, he shall ipso facto be relieved of his office

1 In case he has come to fall under any of the Items of Article 21, Paragraph 3,

2 In case he has ceased to have the right to be elected as a member of the respective Metropolitan, Hokkaido or Prefectural Assembly

The provisions of Articles 86, 87 and Article 83, Para*graph 2 of the Local Autonomy Law shall apply mutatis* mutandis to the request of dismissal of a member of the Commission provided that "more than one-third of the total number of persons" used in Article 86, Paragraph 1 of the same Law shall read more than one-third of the total number of persons who have the right to vote within the jurisdiction of respective National Rural Police of To, Do and Prefectures "

The Governors of To, Do and Prefectures may, in case they consider that a member of the Commission has been incapacitated from performing his duties on account of a mental or physical defect or that he has violated his *official obligations or committed a misconduct ill be*fitting a member of the Commission, dismiss him with the consent of the Assemblies of To, Do and Prefectures

In case two or more members of the Commission have come to belong to the same political party, such members except *one of them* shall be dismissed by the Governors of To, Do and Prefectures with the consent of the Assemblies of To, Do and Prefectures, provided that the Governors of To, Do and Prefectures shall immediately dismiss the members of the Commission who have come to belong to a political party to which one of the members of the Commission has already belonged

Except in the cases mentioned in the preceding two Paragraphs, no member of the Commission shall be dismissed against his will

Article 25 To, Do and Prefectures shall provide members of the Commission with remuneration and compensation for such expenses as they may require for performing their duties

In regard to the remuneration and compensation of *expenses mentioned in the preceding Paragraph, the pro*visions of Article 203, Paragraph 3 and Article 206 of the Local Autonomy Law shall apply

Article 26 There shall be a chairman in each of the Public Safety Commissions of To, Do and Prefectures who shall be selected through cooptation by the members The term of office of the chairman shall be one year, provided that he may be reappointed

The chairman shall preside over the affairs of the Public Safety Commission of the respective To, Do and Prefectures

Section 4 National Rural Police of To (Metropolis), Do (Hokkaido) and Prefectures

Article 27 The National Rural Police of To, Do and Prefecture shall, within the boundaries of the respective To, Do and Prefecture (except the areas under the jurisdiction of the police of autonomous entities), carry out those functions as listed in Article 2, Paragraph 2

Article 28 There shall be established not more than one To or Prefecture headquarters of the National Rural Police within each To and Prefecture at the places where the Governments of To and Prefectures are situated In Do (Hokkaido) there shall be established not more than *14 headquarters of the National Rural Police in the ad*ministrative sub-divisions, one of which shall be at the place where the Government of Do (Hokkaido) is situated

The area under the jurisdiction of the National Rural Police of To, Do and Prefectures shall be divided into Police Districts, and there shall be established a police station for each Police District

The area of each Police District and the location, name and jurisdiction of each police station shall be determined by the National Rural Police

There shall be established police boxes or police sub*stations as lower organizations of police stations*

Article 29 There shall be established branches of the National Rural Police of To, Do and Prefectures at necessary places to have charge of liaison between the National Rural Police of To, Do and Prefectures and the police of autonomous entities and the maintenance and control of the police communication systems under the jurisdiction of the National Rural Police

Article 30 The Chiefs of the Headquarters of the National Rural Police of To, Do and Prefectures (hereinafter to be called the Chiefs of Police of To, Do and Prefectures) shall be appointed, and dismissed for cause, by the Directors of the Headquarters of Police Regions with the consent of the Director General of the Headquarters of the National Rural Police in accordance with the provisions of National Public Service Law.

Article 31 The Chiefs of Police of To, Do and Prefectures shall be subject to the operational control of

The Director-General shall be appointed, and dismissed for cause, by the National Public Safety Commission in accordance with the provisions of the National Public Service Law.

Article 13. The Director-General shall be subject to the direction and supervision of the National Public Safety Commission and control the affairs of the Headquarters of the National Rural Police.

Article 14. In the Headquarters of the National Rural Police, there shall be no more than five divisions, comprising in them General Affairs Division, Police Affairs Division and Criminal Investigation Division.

There shall be attached to the Headquarters of the National Rural Police a Police College.

The Police College shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

Article 15. In the Headquarters of the National Rural Police, there shall be an Assistant-Director, not more than five Chiefs of Divisions and police personnel, other necessary subordinate personnel and subordinate organs as provided for by the National Public Safety Commission.

The personnel mentioned in the preceding paragraph shall be appointed, and dismissed for cause, by the Director General of the Headquarters of the National Rural Police in accordance with the provisions of the National Public Service Law.

Article 16 The whole country shall be divided into six Police Regions and there shall be established in each Police Region a Headquarters of the Police Region as a local office of the National Rural Police to take charge of the assigned affairs of the Headquarters of the National Rural Police

The area and name of each Police Region and the location and name of the Headquarters of each Police Region shall be in accordance with the appended list.

Article 17. In the Headquarters of each Police Region, there shall be a Director, Police personnel and other necessary personnel and organs as provided for by the National Public Safety Commission.

The organization shall follow the pattern as established for the National Rural Police Headquarters.

The personnel provided for in the preceding paragraph shall be appointed, and dismissed for cause, by the Director General of the Headquarters of the National Rural Police in accordance with the provisions of the National Public Service Law.

Article 18. The Directors of the Headquarters of Police Regions shall be subject to the direction and supervision of the Director-General of the Headquarters of the National Rural Police, deal with the affairs of the Headquarters of Police Regions and administratively coordinate and promote the uniformity of the National Rural Police of To, Do and Prefectures under their jurisdiction.

The Directors of the Headquarters of Police Regions and Public Safety Commissions of To, Do and Prefectures shall maintain close liaison and adequately cooperate with each other in regard to police matters.

Article 19. There shall be attached to the Headquarters of each National Rural Police Region a Regional Police School.

The Regional Police School shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

The Regional Police Schools and the Police College shall be maintained and operated by the National Rural Police.

Section 3. Public Safety Commission of To (Metropolis), Do (Hokkaido) and Prefectures

Article 20. There shall be established under the jurisdiction of the Governors of To, Do and Prefectures Public Safety Commissions of To, Do and Prefectures.

The Public Safety Commissions of To, Do and Prefectures shall exercise operational control over the National Rural Police of To, Do and Prefectures.

Article 21. The Public Safety Commissions of To, Do and Prefectures shall each be composed of three members.

Members of the Commission shall be appointed by the Metropolitan, Hokkaido or Prefectural Governor with the consent of the Metropolitan, Hokkaido or Prefectural Assembly from among persons of the respective Metropolitan, Hokkaido or Prefectural Assembly and who have not been in the police service or have not the career of public servants in the Government or public office (except those who have been either elected or appointed through the public election or the election or resolution of one or both Houses of the Diet or of the Assemblies of local autonomous entities subsequent to September 2, 1945).

A person falling under any of the following items shall not become a member of the Commission:

1. A bankrupt who has not been rehabilitated;
2. A person whose sentence of imprisonment or a heavier punishment has been executed;
3. A person who, on and after the date of enforcement of the Constitution of Japan, has organized or joined a political party or any other organization advocating destruction by violence of the Constitution of Japan or the Government formed thereunder.

The appointment of members of the Commission shall not result in two or more of them belonging to the same political party.

Article 22. Members of the Commission shall not be able to become concurrently members of the Assemblies or salaried personnel of the Metropolis, Hokkaido, Prefectures, Special Wards, cities, towns or villages, or officers of a political party or any other political organization.

In addition to the preceding paragraph, matters concerning the performance of duties of members of the Commission shall be fixed by Metropolitan, Hokkaido or Prefectural Regulations in line with the provisions of Section 7 of Chapter III of the National Public Servants Law However, the restrictions provided for in Articles 103 and 104 of the same Law shall not apply except in case the Governors of To, Do and Prefectures consider that a member of the Commission has been incapacitated from his service, and with regard to the service of members of the Commission it shall be fixed by the Public Safety Commission of To, Do and Prefectures

Article 23 The term of office of members of the Commission shall be three years, provided that a member filling vacancy shall remain in office during the rest of the term of office of his predecessor

Members of the Commission may be reappointed

Article 24 In case a member of the Commission falls under any of the following items, he shall ipso facto be relieved of his office

1 In case he has come to fall under any of the Items of Article 21, Paragraph 3,

2 In case he has ceased to have the right to be elected as a member of the respective Metropolitan, Hokkaido or Prefectural Assembly

The provisions of Articles 86, 87 and Article 88, Paragraph 2 of the Local Autonomy Law shall apply mutatis mutandis to the request of dismissal of a member of the Commission provided that " more than one-third of the total number of persons" used in Article 86, Paragraph 1 of the same Law shall read more than one-third of the total number of persons who have the right to vote within the jurisdiction of respective National Rural Police of To, Do and Prefectures "

The Governors of To, Do and Prefectures may, in case they consider that a member of the Commission has been incapacitated from performing his duties on account of a mental or physical defect or that he has violated his official obligations or committed a misconduct ill befitting a member of the Commission, dismiss him with the consent of the Assemblies of To, Do and Prefectures

In case two or more members of the Commission have come to belong to the same political party, such members except one of them shall be dismissed by the Governors of To, Do and Prefectures with the consent of the Assemblies of To, Do and Prefectures, provided that the Governors of To, Do and Prefectures shall immediately dismiss the members of the Commission who have come to belong to a political party to which one of the members of the Commission has already belonged

Article 25 To, Do and Prefectures shall provide members of the Commission with remuneration and compensation for such expenses as they may require for performing their duties

In regard to the remuneration and compensation of expenses mentioned in the preceding Paragraph, the provisions of Article 203, Paragraph 3 and Article 206 of the Local Autonomy Law shall apply

Article 26 There shall be a chairman in each of the Public Safety Commissions of To, Do and Prefectures who shall be selected through cooptation by the members The term of office of the chairman shall be one year, provided that he may be reappointed

The chairman shall preside over the affairs of the Public Safety Commission of the respective To, Do and Prefectures

Section 4 National Rural Police of To (Metropolis), Do (Hokkaido) and Prefectures

Article 27 The National Rural Police of To, Do and Prefecture shall, within the boundaries of the respective To, Do and Prefecture (except the areas under the jurisdiction of the police of autonomous entities), carry out those functions as listed in Article 2, Paragraph 2

Article 28 There shall be established not more than one To or Prefecture headquarters of the National Rural Police within each To and Prefecture at the places where the Governments of To and Prefectures are situated In Do (Hokkaido) there shall be established not more than 14 headquarters of the National Rural Police in the administrative sub-divisions, one of which shall be at the place where the Government of Do (Hokkaido) is situated

The area under the jurisdiction of the National Rural Police of To, Do and Prefectures shall be divided into Police Districts, and there shall be established a police station for each Police District.

The area of each Police District and the location, name and jurisdiction of each police station shall be determined by the National Rural Police

There shall be established police boxes or police substations as lower organizations of police stations.

Article 29 There shall be established branches of the National Rural Police of To, Do and Prefectures at necessary places to have charge of liaison between the National Rural Police of To, Do and Prefectures and the police of autonomous entities and the maintenance and control of the police communication systems under the jurisdiction of the National Rural Police.

Article 30 The Chiefs of the Headquarters of the National Rural Police of To, Do and Prefectures (hereinafter to be called the Chiefs of Police of To, Do and Prefectures) shall be appointed, and dismissed for cause, by the Directors of the Headquarters of Police Regions with the consent of the Director General of the Headquarters of the National Rural Police in accordance with the provisions of National Public Service Law.

Article 31 The Chiefs of Police of To, Do and Prefectures shall be subject to the operational control of

the Public Safety Commissions of To, Do and Prefectures and subject to the administrative control of the Directors of Police Regions.

Article 32. The Chiefs of Police of To, Do and Prefectures shall control the police communication systems under the jurisdiction of the National Rural Police which are within the boundaries of the respective To, Do and Prefectures.

Article 33. There shall be established in the National Rural Police Headquarters of To, Do and Prefectures necessary divisions and sections (including structures concerning criminal identification and criminal statistics).

Article 34. There may be attached to the National Rural Police of To, Do and Prefectures:

The Police Schools of To, Do and Prefectures shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

Article 35. In the National Rural Police of To, Do and Prefectures, there shall be police personnel who are Superintendents, Inspectors, Assistant Inspectors, Sergeants and Policemen, and other necessary personnel, in addition to the Chief of Police.

Ranks of police personnel shall be Chief of Police, Superintendent, Inspector, Assistant Inspector, Sergeant and Policeman.

Police personnel shall take charge of police affairs subject to the direction and supervision of their superiors.

Article 36. The personnel mentioned in the preceding Article, Paragraph 1 shall be appointed, and dismissed for cause, by the Chiefs of Police of To, Do and Prefectures in accordance with the provisions of the National Public Service Law, provided that no such personnel shall be placed on duty with the National Rural Police until he has undergone a course of basic police training.

Necessary matters concerning the oath, training and education, formality and uniform of police personnel shall be determined by the National Public Safety Commission.

Article 37. The chiefs of police stations shall be Superintendents or Inspectors.

The chiefs of police stations shall be subject to the direction and supervision of the Chiefs of Police of To, Do and Prefectures, execute police affairs within their jurisdiction and direct and supervise the personnel of police stations.

Article 38. The chiefs of police sub-stations shall be Inspectors or Assistant Inspectors.

The chiefs of police sub-stations shall be subject to the direction and supervision of the Chiefs of Police of To, Do and Prefectures, execute the affairs provided for in Article 29 and direct and supervise the personnel of police sub-stations.

Article 39. Detailed matters concerning the organs and officials of the National Rural Police of To, Do and Prefectures shall be fixed by the National Public Safety Commission.

Chapter III. Police of Autonomous Entities

Section 1. General Provisions

Article 40. Cities or urban communities having five thousand population or over (hereinafter called cities, towns and villages) shall be responsible for the maintenance of police and enforcement of law and order within their boundaries.

The urban communities provided for in the preceding paragraph shall be given public notice by Cabinet Order in accordance with the population based on the latest census announced in the Official Gazette.

Article 41. The police of cities, towns and villages shall perform all functions in matters listed in Article 2, Paragraph 2.

Article 42. Expenses necessary for the police of autonomous entities shall be borne by the respective cities, towns and villages.

Section 2. Public Safety Commissions of Cities, Towns and Villages

Article 43. There shall be established under the jurisdiction of the mayors of cities and headmen of towns and villages Public Safety Commissions of cities, towns and villages to control the police within the boundaries of the respective city, town and village.

Article 44. In regard to the organization and operation of the Public Safety Commissions of cities, towns and villages and the qualification, appointment, prohibition of the concurrent holding of other offices, performance of duties, term of office, retirement, dismissal, remuneration and compensation of expenses of members of such Commissions, the provisions of Articles 21 to 23 inclusive, Article 24, Paragraphs 1, 3 to 5 inclusive, Articles 25 and 26 shall apply mutatis mutandis, provided that in case a member of the Commission is to be dismissed in consequence of the request of dismissal in accordance with the provisions of the Local Autonomy Law, he shall lose his office irrespective of the provisions of Article 24, Paragraph 5. And "To, Do and Prefectures" as used in Articles 21 to 26, inclusive shall read "cities, towns and villages," "Governors of To, Do and Prefectures" as used therein shall read "mayors of cities and headmen of towns and villages" and "regulations of To, Do and Prefectures" as used therein shall read "regulations of cities, towns and villages."

Section 3. Police of Cities, Towns and Villages

Article 45. There shall be established one or more police stations in each city, town and village.

Where there are two or more police stations, there shall be established a Headquarters of the Police of cities, towns and villages

The location, name and jurisdiction of each police station and the name and organization of the Headquarters of the Police of cities, towns and villages shall be determined by By-laws of cities, towns and villages after consulting with the Public Safety Commissions of cities, towns and villages

Article 46 In the police of cities, towns and villages there shall be a Chief of Police and police personnel of the ranks necessary and consistent with efficient policing in accordance with the provisions of this Law

The provisions of Article 35, Paragraphs 2 and 3 shall apply mutatis mutandis to the police personnel of cities, towns and villages referred to in the preceding paragraph

The fixed number of police personnel of cities, towns and villages shall be determined by the local entities under By-laws in accordance with local requirements, and shall not exceed 95,000, provided that until such time as local autonomy in financial matters has been established, the fixed number of police personnel of cities, towns and villages shall be in accordance with the standards fixed by Cabinet Order Such standards shall be fixed according to the population of cities, towns and villages and according to the ranks of police personnel necessary for efficient policing, administration of police and supervision of police Such standards shall also specify the numbers and types of professional, technical, clerical and maintenance employees necessary for efficient policing in accordance with city, town and village population Readjustment in the allocation of the total personnel strength of 95,000 shall be made only through legislation enacted by the Diet after such time as local autonomy in financial matters has been established

Article 47 The Chiefs of Police of cities, towns and villages shall be appointed, and dismissed for cause, by the Public Safety Commissions of cities, towns and villages in accordance with By-law

Article 48 The Chiefs of Police of cities, towns and villages, in accordance with the standards fixed by the Public Safety Commission, shall appoint, and dismiss for cause, the police personnel of the respective city, town and village They shall also direct and supervise such personnel

Article 49 The chiefs of police stations shall be police personnel not lower than Assistant Inspectors However, the Chiefs of Police of cities, towns and villages may hold such offices concurrently

The chiefs of police stations shall be subject to the direction and supervision of their superiors, execute police affairs within their jurisdiction and direct and supervise the personnel subordinate to them

Article 50 The appointment and dismissal, allowance, performance of duties and other matters of police personnel shall be fixed by By-laws of cities, towns and villages in line with the spirit of the National Public Service Law, provided that such persons as have not undergone a course of basic police training shall not be placed on duty with the police of cities, towns and villages except as temporary personnel thereof

Necessary matters concerning the oath, education and training, formality and uniform of municipal police personnel shall be fixed by municipal regulations in line with the regulations to be determined by the National Public Safety Commission as provided for in Article 36, Paragraph 2, provided that the uniform shall be easily distinguishable from that of the National Rural Police.

Section 4. Special Provisions concerning Special Wards

Article 51 In areas where special wards exist, the Wards shall be collectively responsible for police within the areas of such wards

Article 52 For such special wards there shall be established one Special Ward Public Safety Commission corresponding to Public Safety Commission of cities, towns and villages, under the jurisdiction of the Governor of To, and members thereof shall be selected and appointed by the Governor of To with the consent of the Metropolitan Assembly

Article 53 Except the matters provided for in the preceding two Articles, areas where special wards exist shall be considered as a city so far as the Municipal Police in such areas is concerned, and the provisions concerning the Municipal Police shall apply mutatis mutandis

Chapter IV Relationship Between the National Rural Police and the Police of Autonomous Entities, and Relationship Among the Police of Autonomous Entities

Article 54 There shall exist neither administrative nor operational control by the National Rural Police over the police of cities, towns and villages These police shall be obligated to cooperate with each other

Article 55 The police personnel of the National Rural Police may, at the request of the Public Safety Commissions of cities, towns and villages for assistance, exercise their authority in the area of the respective city, town and village under the operational control of the Public Safety Commission of the city, town or village which made the request for assistance

Article 56 The Chiefs of Police of To, Do and Prefectures shall maintain close liaison with the Chiefs of Police of cities, towns and villages within To, Do and Prefectures

the Public Safety Commissions of To, Do and Prefectures and subject to the administrative control of the Directors of Police Regions.

Article 32. The Chiefs of Police of To, Do and Prefectures shall control the police communication systems under the jurisdiction of the National Rural Police which are within the boundaries of the respective To, Do and Prefectures.

Article 33. There shall be established in the National Rural Police Headquarters of To, Do and Prefectures necessary divisions and sections (including structures concerning criminal identification and criminal statistics).

Article 34. There may be attached to the National Rural Police of To, Do and Prefectures

The Police Schools of To, Do and Prefectures shall train the pre-service and in-service police personnel of the National Rural Police and also, upon request of the police of autonomous entities, may train such personnel thereof.

Article 35. In the National Rural Police of To, Do and Prefectures, there shall be police personnel who are Superintendents, Inspectors, Assistant Inspectors, Sergeants and Policemen, and other necessary personnel, in addition to the Chief of Police.

Ranks of police personnel shall be Chief of Police, Superintendent, Inspector, Assistant Inspector, Sergeant and Policeman.

Police personnel shall take charge of police affairs subject to the direction and supervision of their superiors.

Article 36. The personnel mentioned in the preceding Article, Paragraph 1 shall be appointed, and dismissed for cause, by the Chiefs of Police of To, Do and Prefectures in accordance with the provisions of the National Public Service Law, provided that no such personnel shall be placed on duty with the National Rural Police until he has undergone a course of basic police training.

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Article 38. The chiefs of police sub-stations shall be Inspectors or Assistant Inspectors.

The chiefs of police sub-stations shall be subject to the direction and supervision of the Chiefs of Police of To, Do and Prefectures, execute the affairs provided for in Article 29 and direct and supervise the personnel of police sub-stations.

Article 39. Detailed matters concerning the organs and officials of the National Rural Police of To, Do and Prefectures shall be fixed by the National Public Safety Commission.

Chapter III. Police of Autonomous Entities

Section 1. General Provisions

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The urban communities provided for in the preceding paragraph shall be given public notice by Cabinet Order in accordance with the population based on the latest census announced in the Official Gazette.

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Article 42. Expenses necessary for the police of autonomous entities shall be borne by the respective cities, towns and villages.

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Article 43. There shall be established under the jurisdiction of the mayors of cities and headmen of towns and villages Public Safety Commissions of cities, towns and villages to control the police within the boundaries of the respective city, town and village.

Article 44. In regard to the organization and operation of the Public Safety Commissions of cities, towns and villages and the qualification, appointment, prohibition of the concurrent holding of other offices, performance of duties, term of office, retirement, dismissal, remuneration and compensation of expenses of members of such Commissions, the provisions of Articles 21 to 23 inclusive, Article 24, Paragraphs 1, 3 to 5 inclusive, Articles 25 and 26 shall apply mutatis mutandis, provided that in case a member of the Commission is to be dismissed in consequence of the request of dismissal in accordance with the provisions of the Local Autonomy Law, he shall lose his office irrespective of the provisions of Article 24, Paragraph 5. And "To, Do and Prefectures" as used in Articles 21 to 26, inclusive shall read "cities, towns and villages," "Governors of To, Do and Prefectures" as used therein shall read "mayors of cities and headmen of towns and villages" and "regulations of To, Do and Prefectures" as used therein shall read "regulations of cities, towns and villages."

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The location, name and jurisdiction of each police station and the name and organization of the Head- [illegible]

the ranks necessary and consistent with efficient policing in accordance with the provisions of this Law

The provisions of Article 35, Paragraphs 2 and 3 shall apply mutatis mutandis to the police personnel of cities, towns and villages referred to in the preceding paragraph

The fixed number of police personnel of cities, towns and villages shall be determined by the local entities under By-laws in accordance with local requirements, and shall not exceed 95,000, provided that until such time as local autonomy in financial matters has been established, the fixed number of police personnel of cities, towns and villages shall be in accordance with the standards fixed by Cabinet Order Such standards shall be fixed according to the population of cities, towns and villages and according to the ranks of police personnel necessary for efficient policing, administration of police and supervision of police Such standards shall also specify the numbers and types of professional, technical, clerical and maintenance employees necessary for efficient policing in accordance with city, town and village population Readjustment in the allocation of the total personnel strength of 95,000 shall be made only through legislation enacted by the Diet after such time as local autonomy in financial matters has been established

Article 47 The Chiefs of Police of cities, towns and villages shall be appointed, and dismissed for cause, by the Public Safety Commissions of cities, towns and villages in accordance with By-law

Article 48 The Chiefs of Police of cities, towns and villages, in accordance with the standards fixed by the Public Safety Commission, shall appoint, and dismiss for cause, the police personnel of the respective city, town and village They shall also direct and supervise such personnel

Article 49 The chiefs of police stations shall be police personnel not lower than Assistant Inspectors However, the Chiefs of Police of cities, towns and villages may hold such offices concurrently

The chiefs of police stations shall be subject to the direction and supervision of their superiors, execute police affairs within their jurisdiction and direct and supervise the personnel subordinate to them

Article 50 The appointment and dismissal, allowance, performance of duties and other matters of police personnel shall be fixed by By-laws of cities, towns and villages in line with the spirit of the National Public Service Law, provided that such persons as have not undergone a course of basic police training shall not be placed on duty with the police of cities, towns and villages except as temporary personnel thereof

Necessary matters concerning the oath, education and training, formality and uniform of municipal police personnel shall be fixed by municipal regulations in line with the regulations to be determined by the National Public Safety Commission as provided for in Article 36, Paragraph 2, provided that the uniform shall be easily distinguishable from that of the National Rural Police.

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Article 51 In areas where special wards exist, the Wards shall be collectively responsible for police within the areas of such wards

Article 52 For such special wards there shall be established one Special Ward Public Safety Commission corresponding to Public Safety Commission of cities, towns and villages, under the jurisdiction of the Governor of To, and members thereof shall be selected and appointed by the Governor of To with the consent of the Metropolitan Assembly

Article 53 Except the matters provided for in the preceding two Articles, areas where special wards exist shall be considered as a city so far as the Municipal Police in such areas is concerned, and the provisions concerning the Municipal Police shall apply mutatis mutandis

Chapter IV Relationship Between the National Rural Police and the Police of Autonomous Entities, and Relationship Among the Police of Autonomous Entities

Article 54 There shall exist neither administrative nor operational control by the National Rural Police over the police of cities, towns and villages These police shall be obligated to cooperate with each other

Article 55 The police personnel of the National Rural Police may, at the request of the Public Safety Commissions of cities, towns and villages for assistance, exercise their authority in the area of the respective city, town and village under the operational control of the Public Safety Commission of the city, town or village which made the request for assistance

Article 56 The Chiefs of Police of To, Do and Prefectures shall maintain close liaison with the Chiefs of Police of cities, towns and villages within To, Do and Prefectures.

Chapter V. Exercise of Authority Outside of Jurisdiction

Article 57. The National Rural Police and the Police of cities, towns and villages shall, in regard to a crime committed in an area within five hundred meters outside of the boundaries of the jurisdiction of the respective National Rural Police of To, Do and Prefectures or the Police of cities, towns and villages, exercise their authority also in that area.

Article 58. The National Rural Police and the Police of cities, towns and villages may, with regard to specific individual cases of criminal operations which have been conducted within the area under their jurisdiction (including here and hereinafter in this Article any area within five hundred meters outside of the boundaries of their jurisdiction) or originated in, or extended their authority beyond the boundaries of their jurisdictions for the suppression and detection of such operations and apprehension of suspects.

Article 59. In those cases where the National Rural Police maintain facilities within the autonomous entities and in those cases where the autonomous entities maintain facilities within areas outside their boundaries, the National Rural Police and Police of such autonomous entities respectively shall exercise police power and jurisdiction over such facilities.

Chapter VI. Criminal Statistics and Criminal Identification

Article 60. The Chiefs of Police of cities, towns and villages shall on forms and in the manner provided for by the National Public Safety Commission make reports of criminal statistics and of criminal identification consisting of evidence, photographs, finger-prints, physical description and criminal characteristics of suspects and arrested individuals to the Director-General of the Headquarters of the National Rural Police, through the Chiefs of Police of To, Do and Prefectures.

Article 61. There shall be established facilities for criminal identification in the Headquarters of the National Rural Police, and the Headquarters of the National Rural Police of To, Do and Prefectures.

Chapter VII. Special Measures in a State of National Emergency

Article 62. If deemed especially necessary for the maintenance of peace and order in a state of national emergency the Prime Minister may, upon the recommendation of the National Public Safety Commission, issue a proclamation of a state of national emergency in respect of the country as a whole or any part of it.

The proclamation mentioned in the preceding paragraph shall set forth the area, outline of the situation and date of the effectivation of the proclamation.

Article 63. When the proclamation mentioned in the preceding Article has been issued, control over the whole police shall be temporarily assumed by the Prime Minister in accordance with the provisions of the present Law. In this case the Director-General of the Headquarters of the National Rural Police or the Director of the Headquarters of the Police Region shall give necessary order to, or direct, the Chiefs of Police of To, Do and Prefectures or the Chiefs of Police of cities, towns and villages within the area set forth in the proclamation.

Article 64. The Prime Minister may order the National Rural Police or the Police of cities, towns and villages outside of the area set forth in the proclamation to dispatch to necessary areas the whole or a part of police personnel for assistance.

The police personnel dispatched in accordance with the provisions of the preceding paragraph may perform their duties also in the area to which they have been dispatched during the period of their mission there.

Article 65. The proclamation of a state of national emergency by the Prime Minister according to Article 62 must be ratified by the Diet within twenty days of the date of the proclamation. If the House of Representatives is dissolved, such ratification shall be obtained from the House of Councillors convoked in emergency session provided for in Article 54 of the Constitution of Japan.

If no ratification of the proclamation of a state of national emergency has been made according to the provisions of the preceding paragraph within the period mentioned therein or if the ratification has been rejected, the proclamation of a state of national emergency shall lose its effect for the future.

Article 66. The Prime Minister shall, in case he has proclaimed a state of national emergency, promptly proclaim the rescission of the former proclamation when he deems that its necessity has ceased to exist. He must do so if the Diet so directs.

In regard to the proclamation of the rescission mentioned in the preceding paragraph and other duties of the Prime Minister provided for in the present Law, the National Public Safety Commission shall always give necessary advice to the Prime Minister.

Chapter VIII. Miscellaneous Provisions

Article 67. The relationship between the Public Safety Commissions of cities, towns and villages and police personnel on the one hand and the Public Procurators on the other shall be otherwise determined by Law.

The National Public Safety Commission shall constantly maintain close liaison with the Procurator General

Article 68 In case an alteration has taken place in the area which shall be under the jurisdiction of the National Rural Police of To, Do and Prefectures and the area which shall be under the jurisdiction of the Police of [illegible] tion of the Police of two or more cities, towns and villages or has become an area which shall be under the jurisdiction of the Police of one city, town or village, measures consequent upon the alteration of jurisdiction shall be completed not later than fifty days from the day the alteration has become necessary

Until the measures mentioned in the preceding paragraph have been completed, the former police jurisdiction shall prevail in the area concerned In the case of the latter part of the preceding paragraph, duties of the former mayor of a city or headman of a town or village shall be performed by mayors of cities and headmen of towns and villages of two or more areas through mutual consultation or by the mayor of a city or the headman of a town or village

Supplementary Provisions

Article 1 The date of enforcement of the present Law shall be fixed by Cabinet Order in respect of each provision within a period not exceeding ninety days of the day of its enactment

Article 2 The term of office of the members of the National Public Safety Commission to be appointed for the first time after the enforcement of the present Law shall be one year for one of the five members, two years for one member, three years for one member, four years for one member, and five years for one member

The term of office for each member provided for in the preceding paragraph shall be determined by the Commission by lot

Article 3 The term of office of the members of the Public Safety Commissions of To, Do and Prefectures and the Public Safety Commissions of cities, towns and villages to be appointed for the first time after the enforcement of the present Law shall be one year for one of the three members, two years for another and three years for another

The term of office for each member provided for in the preceding paragraph shall be determined by the respective Commission by lot

Article 4 The National Public Service Law shall be considered as already in effect within the extent necessary for the application of the present Law

In case mentioned in the preceding paragraph, the authority of the National Personnel Commission shall, pending its establishment as provided for in the National Public Service Law, be exercised by the Temporary National Personnel Commission in conformity with the instance mentioned in Article 2 of the Supplementary Provisions of that Law

Article 5 During one year after the enforcement of the present Law, the personnel in charge of the National Rural Police or the police of autonomous entities may, in case there exists no list of candidates for appointment or in case there is especial necessity, be temporarily appointed from among the persons who have qualifications necessary for such officials of the central government or the local governments as are corresponding to the respective personnel in accordance with the existing laws and orders

Article 6 The appointment and dismissal, allowances and performance of duties of the police personnel of the National Rural Police and other necessary matters concerning such personnel shall still conform for the time being to existing instances of the police personnel of the Metropolitan Police Board and Prefectures, pending the establishment of rules of the National Personnel Commission concerning police personnel or the determination by the National Public Safety Commission in accordance with provisions of Article 36, Paragraph 2

Article 7. In case an official of the National Government who is in the service of the Metropolitan Police Board or the Hokkaido or Prefectural Police Division at the time of the enforcement of the present Law has consecutively become a member of the personnel of the Municipal Police, he shall be considered as being in service with the same status as before, and the provisions of the Pension Law shall apply to him mutatis mutandis for the time being In case this member of the personnel of the Municipal Police has become a member of the personnel of the National Rural Police, his tenure of office as a member of the personnel of the Municipal Police shall be added to the years of his service as a public servant

In case an official of the Metropolis, Hokkaido or a Prefecture who is in the service of the Metropolitan Police Board or the Hokkaido or Prefectural Police Division has consecutively become a member of the personnel of the National Rural Police, his tenure of office as an official of the Metropolis, Hokkaido or Prefecture shall be added to the years of his service as a public servant so far as the application of the Pension Law is concerned

Article 8 Expenses necessary for the Police of cities, towns and villages shall be borne by the National Treasury and the Metropolis, Hokkaido and Prefectures as provided for by Cabinet Order until such time as local autonomy in financial matters has been established

Expenses necessary for the National Rural Police shall be borne by the National Treasury and the Metropolis, Hokkaido and Prefectures until the time mentioned in the preceding paragraph.

In regard to the appointment of police expenses to the National Treasury and to the Metropolis, Hokkaido and Prefectures, existing instances shall still be followed until the time mentioned in Paragraph 1.

Article 9. In cases where municipalities newly assume responsibility for police on or after the enforcement of the present Law, State property and Metropolitan or Prefectural property or the goods owned by the State, Metropolis, Hokkaido or Prefectures which is or are actually being used for police and surplus to the needs of National Rural Police shall, if needed by the Municipal Police, be transferred without compensation to the respective municipality; provided that, in case there is a debt pertaining to such property or goods, the disposition of them shall be determined by mutual consultation.

Article 10. Criminal identification facilities, police communication systems and police education and training facilities under the control of the Metropolitan Police Board or the Police Division of Do, and Prefectures at the time of the enforcement of the present Law shall be maintained and controlled by the National Rural Police except the Training Schools at Atago-cho, Minato-ku, Tokyo-to and in the Palace grounds of the present Metropolitan Police Board which shall be transferred to the municipal police of Special Wards of Tokyo-to.

Article 11. All Affairs Unions and Office Affairs Unions of towns and villages existing at the time of the enforcement of the present Law shall be considered as a town or a village so far as the application of the provisions of the present Law is concerned.

Article 12. "The respective administrative organ" as used in Articles 1 and 2 of the Administrative Enforcement Law shall mean "the chiefs of police stations as used in Articles 37 and 49," and "the respective administrative organ" as used in Articles 3 to 5 inclusive and "the administrative organs" as used in Article 6 of the above mentioned Law shall include "the chiefs of police stations" as used in Articles 37 and 49.

Article 13. Municipalities shall assume responsibility for police within their boundaries in accordance with the provisions of Article 40, Paragraph 1, as from the day the Public Safety Commission has been formed and necessary police personnel have been appointed in the respective municipality by the application of the provisions of the present Law concerning the Police of Autonomous Entities provided that the day shall not be later than ninety days after the enactment of the present Law.

Article 14. In cases where municipalities have come to assume responsibility for police within their boundaries in accordance with the provisions of the preceding Article, the Metropolitan Police Board or the Hokkaido or Prefectural Police Division shall perform its duties as the National Rural Police until the provisions of the present Law concerning the National Rural Police have taken effect.

Article 15. Part of the Local Autonomy Law shall be amended as follows:

In Article 13, Paragraph 2, "members of electoral administration committee or inspection commissioners" shall read "members of electoral administration committee, inspection commissioners or members of public safety commission of city, town or village."

In Article 21, Paragraph 2, "a police officer" shall read "a member of national police force," and "a member of public safety commission of an ordinary local public body and a member of municipal police force" shall be added next to "a revenue officer."

In Article 86, Paragraph 1, and Article 88, Paragraph 2, "electoral administration committee or inspection commissioner" shall read "electoral administration committee, inspection commissioners or members of public safety commission of city, town or village."

In Article 121, "an inspection commissioner" shall read "an inspection commissioner and member of public safety commission."

In Article 125, "or its inspection commissioners" shall read "its inspection commissioners or the public safety commission of the city, town or village concerned."

In Article 130, Paragraph 1, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 158, Paragraph 1, "matters relating to police" and "Police Division" shall be deleted.

In Article 160, Paragraph 2, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 173, Paragraph 1, "educational officials or police officials" shall read "educational officials," and the same Article, Paragraph 5 shall be deleted.

In Article 277, "Article 145" shall read "Article 121, Article 145."

The proviso of Article 1 of the Supplementary Provisions shall be deleted.

In Article 4 of the Supplementary Provisions, "(excluding the Metropolitan Police Board, same hereinafter)" shall be deleted.

Article 7 of the Supplementary Provisions shall be amended as follows: Article 7 (deleted).

Article 16. Part of the Law concerning the Election of the Members of the House of Representatives shall be amended as follows:

In Article 9, "and a police officer" shall read "a member of national police force, a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village and a member of municipal police force."

In Article 40 "a police officer" shall read "a police officer with competent jurisdiction."

In Article 41, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 112, Paragraph 2, and Article 113, Paragraph 2, "a police officer" shall read "a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village or a member of national police force or a member of municipal police force" and "the Metropolis, district, urban or rural prefecture concerned" shall read "the areas concerned."

In Article 121, Paragraph 2, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 124, "a police officer" shall read "a police officer with competent jurisdiction."

Article 17. A part of the Law concerning the Election of the Members of the House of Councillors shall be amended as follows:

In Article 7, "and a police officer" shall read "a member of national police force, a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village and a member of municipal police force."

Article 18. Part of the Law concerning People's Examination of Supreme Court Judges shall be amended as follows:

In Article 44, Paragraph 2, "a police officer" shall read "a member of the public safety commission of the Metropolis, urban or rural prefecture, city, town or village, a member of national police force, or a member of municipal police force" and "the Metropolis, district, urban or rural prefecture concerned" shall read "the areas concerned."

Article 19. Provisions in other laws and ordinance relating to a police officer shall be deemed to refer to a police official with competent jurisdiction.

Appended List

List of the Area and Name of Each Police Region and the Location and Name of the Headquarters of Each Police Region

Area of Police Region	*Name of Police Region*	*Location of Headquarters of Police Region*	*Name of Headquarters of Police Region*
Hokkaido	Sapporo Police Region	Sapporo City	Headquarters of the Sapporo Police Region
Miyagi-ken, Fukushima-ken, Iwate-ken, Aomori-ken, Yamagata-ken, Akita-ken	Sendai Police Region	Sendai City	Headquarters of the Sendai Police Region
Tokyo-to, Kanagawa-ken, Niigata-ken, Saitama-ken, Gumma-ken, Chiba-ken, Ibaragi-ken, Tochigi-ken, Shizuoka-ken, Yamanashi-ken, Nagano-ken	Tokyo Police Region	Tokyo Metropolis	Headquarters of the Tokyo Police Region
Osaka-fu, Kyoto-fu, Hyogo-ken, Nara-ken, Shiga-ken, Wakayama-ken, Aichi-ken, Mie-ken, Gifu-ken, Fukui-ken, Ishikawa-ken, Toyama-ken	Osaka Police Region	Osaka City	Headquarters of the Osaka Police Region
Hiroshima-ken, Tottori-ken, Shimane-ken, Okayama-ken, Yamaguchi-ken, Kagawa-ken, Ehime-ken, Tokushima-ken, Kochi-ken	Hiroshima Police Region	Hiroshima City	Headquarters of the Hiroshima Police Region
Fukuoka-ken, Saga-ken, Nagasaki-ken, Kumamoto-ken, Oita-ken, Miyazaki-ken, Kagoshima-ken	Fukuoka Police Region	Fukuoka City	Headquarters of the Fukuoka Police Region

Minister for Home Affairs
KIMURA Kozaemon
Prime Minister
KATAYAMA Tetsu

Expenses necessary for the National Rural Police shall be borne by the National Treasury and the Metropolis, Hokkaido and Prefectures until the time mentioned in the preceding paragraph.

In regard to the appointment of police expenses to the National Treasury and to the Metropolis, Hokkaido and Prefectures, existing instances shall still be followed until the time mentioned in Paragraph 1.

Article 9. In cases where municipalities newly assume responsibility for police on or after the enforcement of the present Law, State property and Metropolitan or Prefectural property or the goods owned by the State, Metropolis, Hokkaido or Prefectures which is or are actually being used for police and surplus to the needs of National Rural Police shall, if needed by the Municipal Police, be transferred without compensation to the respective municipality; provided that, in case there is a debt pertaining to such property or goods, the disposition of them shall be determined by mutual consultation.

Article 10. Criminal identification facilities, police communication systems and police education and training facilities under the control of the Metropolitan Police Board or the Police Division of Do, and Prefectures at the time of the enforcement of the present Law shall be maintained and controlled by the National Rural Police except the Training Schools at Atago-cho, Minato-ku, Tokyo-to and in the Palace grounds of the present Metropolitan Police Board which shall be transferred to the municipal police of Special Wards of Tokyo-to.

Article 11. All Affairs Unions and Office Affairs Unions of towns and villages existing at the time of the enforcement of the present Law shall be considered as a town or a village so far as the application of the provisions of the present Law is concerned.

Article 12. "The respective administrative organ" as used in Articles 1 and 2 of the Administrative Enforcement Law shall mean "the chiefs of police stations as used in Articles 37 and 49," and "the respective administrative organ" as used in Articles 3 to 5 inclusive and "the administrative organs" as used in Article 6 of the above mentioned Law shall include "the chiefs of police stations" as used in Articles 37 and 49.

Article 13. Municipalities shall assume responsibility for police within their boundaries in accordance with the provisions of Article 40, Paragraph 1, as from the day the Public Safety Commission has been formed and necessary police personnel have been appointed in the respective municipality by the application of the provisions of the present Law concerning the Police of Autonomous Entities provided that the day shall not be later than ninety days after the enactment of the present Law.

Article 14. In cases where municipalities have come to assume responsibility for police within their boundaries in accordance with the provisions of the preceding Article, the Metropolitan Police Board or the Hokkaido or Prefectural Police Division shall perform its duties as the National Rural Police until the provisions of the present Law concerning the National Rural Police have taken effect.

Article 15. Part of the Local Autonomy Law shall be amended as follows:

In Article 13, Paragraph 2, "members of electoral administration committee or inspection commissioners" shall read "members of electoral administration committee, inspection commissioners or members of public safety commission of city, town or village."

In Article 21, Paragraph 2, "a police officer" shall read "a member of national police force," and "a member of public safety commission of an ordinary local public body and a member of municipal police force" shall be added next to "a revenue officer."

In Article 86, Paragraph 1, and Article 88, Paragraph 2, "electoral administration committee or inspection commissioner" shall read "electoral administration committee, inspection commissioners or members of public safety commission of city, town or village."

In Article 121, "an inspection commissioner" shall read "an inspection commissioner and member of public safety commission."

In Article 125, "or its inspection commissioners" shall read "its inspection commissioners or the public safety commission of the city, town or village concerned."

In Article 130, Paragraph 1, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 158, Paragraph 1, "matters relating to police" and "Police Division" shall be deleted.

In Article 160, Paragraph 2, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 173, Paragraph 1, "educational officials or police officials" shall read "educational officials," and the same Article, Paragraph 5 shall be deleted.

In Article 277, "Article 145" shall read "Article 121, Article 145."

The proviso of Article 1 of the Supplementary Provisions shall be deleted.

In Article 4 of the Supplementary Provisions, "(excluding the Metropolitan Police Board, same hereinafter)" shall be deleted.

Article 7 of the Supplementary Provisions shall be amended as follows: Article 7 (deleted).

Article 16. Part of the Law concerning the Election of the Members of the House of Representatives shall be amended as follows:

In Article 9, "and a police officer" shall read "a member of national police force, a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village and a member of municipal police force."

In Article 40 "a police officer" shall read "a police officer with competent jurisdiction."

In Article 41, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 112, Paragraph 2, and Article 113, Paragraph 2, "a police officer" shall read "a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village or a member of national police force or a member of municipal police force" and "the Metropolis, district, urban or rural prefecture concerned" shall read "the areas concerned."

In Article 121, Paragraph 2, "a police officer" shall read "a police officer with competent jurisdiction."

In Article 124, "a police officer" shall read "a police officer with competent jurisdiction."

Article 17. A part of the Law concerning the Election of the Members of the House of Councillors shall be amended as follows:

In Article 7, "and a police officer" shall read "a member of national police force, a member of the public safety commission of the Metropolis, district, urban or rural prefecture, city, town or village and a member of municipal police force."

Article 18. Part of the Law concerning People's Examination of Supreme Court Judges shall be amended as follows:

In Article 44, Paragraph 2, "a police officer" shall read "a member of the public safety commission of the Metropolis, urban or rural prefecture, city, town or village, a member of national police force, or a member of municipal police force" and "the Metropolis, district, urban or rural prefecture concerned" shall read "the areas concerned."

Article 19. Provisions in other laws and ordinance relating to a police officer shall be deemed to refer to a police official with competent jurisdiction.

Appended List

List of the Area and Name of Each Police Region and the Location and Name of the Headquarters of Each Police Region

Area of Police Region	*Name of Police Region*	*Location of Headquarters of Police Region*	*Name of Headquarters of Police Region*
Hokkaido	Sapporo Police Region	Sapporo City	Headquarters of the Sapporo Police Region
Miyagi-ken, Fukushima-ken, Iwate-ken, Aomori-ken, Yamagata-ken, Akita-ken	Sendai Police Region	Sendai City	Headquarters of the Sendai Police Region
Tokyo-to, Kanagawa-ken, Niigata-ken, Saitama-ken, Gumma-ken, Chiba-ken, Ibaragi-ken, Tochigi-ken, Shizuoka-ken, Yamanashi-ken, Nagano-ken	Tokyo Police Region	Tokyo Metropolis	Headquarters of the Tokyo Police Region
Osaka-fu, Kyoto-fu, Hyogo-ken, Nara-ken, Shiga-ken, Wakayama-ken, Aichi-ken, Mie-ken, Gifu-ken, Fukui-ken, Ishikawa-ken, Toyama-ken	Osaka Police Region	Osaka City	Headquarters of the Osaka Police Region
Hiroshima-ken, Tottori-ken, Shimane-ken, Okayama-ken, Yamaguchi-ken, Kagawa-ken, Ehime-ken, Tokushima-ken, Kochi-ken	Hiroshima Police Region	Hiroshima City	Headquarters of the Hiroshima Police Region
Fukuoka-ken, Saga-ken, Nagasaki-ken, Kumamoto-ken, Oita-ken, Miyazaki-ken, Kagoshima-ken	Fukuoka Police Region	Fukuoka City	Headquarters of the Fukuoka Police Region

Minister for Home Affairs
KIMURA Kozaemon
Prime Minister
KATAYAMA Tetsu

LAW CONCERNING THE ADJUSTMENT OF THE LAWS RELATING TO THE CIVIL CODE
(Law No. 223, December 22, 1947)

Article 1. Prison Law shall be partially amended as follows:

In Article 56, "The members of a House" shall be deleted.

Article 2. The Reformatory Law shall partially be amended as follows:

In Article 1, "Article 882" shall read "Article 822."

Article 3. The Notary Law shall partially be amended as follows:

In Article 12, paragraph 1, item numbered 1, "the subject of the Japanese Empire" and "man of full age and upwards" shall respectively read "the Japanese national" and "adult".

In Article 22, item numbered 1, "the head or the members of a House" shall read "relatives".

In Article 34, paragraph 3, item numbered 6, "the head or the members of a House living together", shall be deleted.

Article 4. The law concerning the disposing of persons who got ill or died during their travels shall partially be amended as follows:

In Article 3, paragraph 1, "the members of a House" shall be deleted.

In Article 6, "Articles 955 and 956" shall read "Article 878".

In Article 10, paragraph 1, "the members of a House" shall read "relatives living together".

Article 5. The National Tax Collection Law shall partially be amended as follows:

The proviso of the first paragraph of Article 4-3 shall be deleted and in the second paragraph of the same Article, "successor by reason of the loss of nationality or" shall be deleted.

In Article 16, items numbered 1, 2 and 8, "the members of a House" shall read "relatives" and in item numbered 5 of the same Article, "the House of" shall be deleted.

In Article 21, "the members of a House" shall read "relatives living together".

Article 6. The National Eugenic Law shall partially be amended as follows:

In Article 4, "if he or she has not completed his or her thirtieth year or", "(if the father and mother are) unable to declare their intention . . . , the consent or application of guardian . . .", and "the consent or application (of the father and mother shall be replaced by) that of family council" shall respectively read "if he or she is a minor or a (feebleminded) person having no spouse", "(if the father and mother are) unable to declare their intention . . . , the consent of guardian . . . , and "the consent (of the father and mother shall be replaced by) the permission of a court of domestic relations"; "who are in his or her House", "(in case of a person who has entered the House of his or her spouse by reason of marriage, the father and mother of his or her spouse and hereinafter the same shall apply)", "(if the father and mother) have left the House", and "(the consent or application) of the head of a House, and if the head of a House is unknown, a minor, or unable to declare his or her intention", shall be deleted; and the proviso of paragraph 4 of the same Article shall be deleted; and the following paragraph shall be added to the same Article:

In respect to the application of the provisions of the Law of Adjudgment of Domestic Matters, the permission mentioned in the preceding paragraph shall be deemed to be the subject matter which is mentioned in Article 9, paragraph 1, Group A of the same Law.

In Article 5, "(if the person concerned) has not completed his or her thirtieth year or" shall read "(if the person concerned) is a minor or a (feebleminded) person having no spouse", and "who are in his or her House" shall be deleted.

In Article 7, paragraph 2, "who are in his or her House" shall be deleted.

Article 7. The Industrial Association Law shall partially be amended as follows:

In Article 1, paragraph 3, "a person who is in the same House" shall read "a person living together".

Article 8. Regulations of Bailiffs shall partially be amended as follows:

In Articles 8 and 9, "wife" shall read "spouse".

Article 9. The Vaccination Law shall partially be amended as follows:

Article 20. A protector within the meaning of this Law is a person who exercises parental power over a minor or a guardian.

Article 10. The Juvenile Law shall partially be amended as follows:

In Article 55, " , The head of a House" shall be deleted.

Article 11. The Commercial Code shall partially be amended as follows:

In Articles 5 and 6, "or wife" shall be deleted.

In Article 7, paragraph 1, "a legal representative with the consent of the family council (carries on . . . on behalf of) a person under disability" shall read "a guardian (carries on . . . on behalf of) a ward" and in the same Article, paragraph 2, "a legal representative" shall read "guardian".

Article 12. The Law of Trusts shall partially be amended as follows:

Article 5, paragraphs 2 and 3 shall be deleted.

Article 13. The Law concerning the Custody of the Lunatics shall partially be amended as follows:

In Article 1, paragraph 1, "relatives up to the fourth degree of relationship or the head of a House" and "Article 908" shall respectively read "or relatives up to the fourth degree of relationship" and 'Article 846", and in the same Article, paragraph 2, "a father or mother who exercises parental power", "the head of a House" and "a family council" shall respectively read a person who exercises parental power", "deleted" and 'the court of domestic relations", and the following paragraph shall be added to the same Article

In respect to the application of the provisions of the Law of Adjudgment of Domestic Matters, the appointment mentioned in the preceding paragraph, item numbered 5, shall be deemed to be the subject matter which is mentioned in Article 9, group A of the same Law

In Article 3, paragraph 3, "Article 922" shall read "Article 858"

In Article 23, the court in accordance with the provisions of Article 50 or 60 of the Law of Procedure in Personal Matters" shall read ' the court of domestic relations'

Article 14 The Local Taxes Law shall partially be amended as follows

The provisos of Article 5, paragraph 3 and of Article 29, paragraph 3 shall read as follows

But a successor who has effected a qualified acceptance assumes duties to the extent of the value of the property acquired through the succession

In Article 50, paragraph 4, item numbered 1 and Article 53, paragraph 2, item numbered 1, succession to the headship of a House or succession to estate" shall read "succession

Article 15 The Epidemic Prevention Law shall partially be amended as follows

In Article 4, paragraph 2, and Article 14, "the head of House' shall read the head of the family household '

Article 16 The Patent Law shall partially be amended as follows

In Article 91, item numbered 1, wife ' shall read spouse", and in the same Article, item numbered 3, 'the head of a House or the members of a House ' shall read "relatives living together

Article 17 The Land Expropriation Law shall partially be amended as follows

In Article 40, paragraph 2, the head of a House, the members of the House shall read relatives living together"

Article 18 The Trachoma Prevention Law shall partially be amended as follows

Article 11, item numbered I shall read as follows

1 The person who exercises parental power over a minor or the guardian of a minor or of a person adjudged incompetent

Article 19 The Bankruptcy Law shall partially be amended as follows

In Article 9, paragraph 1, "succession to estate" shall read ' succession"

In Article 11, paragraph 2, "Article 1059" shall read Article 987"

Article 13 deleted

Article 14, paragraph 3 shall be deleted

The latter part of Article 31 shall be deleted

Articles 35 to 37 inclusive deleted

In Article 42, "or the credit of the creditor of the former head of a House after the opening of a succession" shall be deleted

Article 45 deleted

In Article 68, Article 796", "Article 797' and Article 897 shall respectively read Article 758 , Article 759 ' and Article 835 , and the following one paragraph shall be added thereto

In applying the Law of Adjudgment of Domestic Matters, the disposition concerning the changing of administrator of property and the partition of property [illegible] paragraph of Article 9 of the Law of Adjudgment of Domestic Matters, and the adjustment concerning forfeit of the right to administer the property, to which the provisions of Article 835 of the Civil Code are applied with necessary modification by the same paragraph, shall be regarded as one of the matters listed in (A) of the first paragraph of Article 9 of the Law of Adjudgment of Domestic Matters

In Article 72, item numbered 3, the head of a House, the members of House shall be deleted

In Article 80, and the act performed by the former head of a House regarding the property prescribed in Article 13 shall be deleted

In Article 83, paragraph 1, item numbered 2, , the head of a House, the members of a House shall be deleted

In Article 97, paragraph 1, the person who has the right of seizing the hereditary property of a peer and" shall be deleted

Article 130, paragraph 2 shall be deleted

In Article 131, Article 1041" shall read "Article 941"

In Article 152, , former head of a House", shall be deleted

In Article 153, paragraph 1, "former head of a House, administrator of estate of inheritance, executor of will and agent of heir or former head of a House" shall read ' his (or her) agent, administrator of estate of inheritance and executor of will"

In Article 315, "or former head of a House" and "creditors of the former head after beginning of inheritance" shall be deleted.

In Article 345, paragraph 2, "Article 1021" shall

read "Article 918" and the following paragraph shall be added to the said Article:

Disposition relating to the preservation and management of an estate of inheritance in accordance with the provisions of Article 918, paragraphs 2 and 3 of the Civil Code to be applied with the necessary modifications in the preceding paragraph, shall be deemed to be the matters mentioned in Article 9, paragraph 1, group A of the Law of Adjudgment of Domestic Matters with regard to application of the said Law.

In Article 376, "Former head of a House" shall be deleted.

Article 20. The law concerning the Registration of Immovables shall partially be amended as follows:

In Article 12, paragraph 1, "wife" shall read "spouse."

Article 21. The Law concerning the Application of Laws in General shall partially be amended as follows:

In Article 13, paragraph 2, "Article 777" shall read "Article 741".

Article 14, paragraph 2 and Article 15, paragraph 2 shall be deleted.

Article 22. The Law concerning Prohibition of Minors from Drinking shall partially be amended as follows:

In Article 1, paragraphs 1 and 3 and Article 2, "minors" shall read "persons under the full twenty years of age".

In Article 4, paragraph 2, "the head of a House, members of a House" shall be deleted.

Article 23. The Law concerning Prohibition of Minors from Smoking shall partially be amended as follows:

In Articles 1 and 4, "minors" shall read "persons under the full twenty years of age".

Article 24. The Law concerning Publication by Subscription shall partially be amended as follows:

In Article 5, paragraph 2, "the head of a House or" shall be deleted.

Article 25. In the following provisions, "the head and members of a House" shall be deleted.:

Article 12-3 of the Opium Law.

Article 15 of the Law of Management of Plants Exported or Imported.

Article 26. In the following provisions, "the head of a House, members of a House", shall be deleted:

Article 10 of the Law of Management of the Compressed and Liquidized Cases.

Article 18 of the Law concerning Encouragement of Deep-sea Fishery.

Article 45, paragraph 2, of the Law concerning Associations of Owners of Houses for Rent.

Article 21 of the Law concerning Livestock Markets.

Article 64 of the Fishery Law.

Article 104, paragraph 1 of the Mining Law.

Article 77 of the National Medical Treatment Law.

Article 17 of the National Physical Strength Law.

Article 49, paragraph 1 of the Silk Industry Law.

Article 20, paragraph 2 of the Law concerning Buildings in Urban Districts.

Article 16 of the Social Work Law.

Article 21 of the Law of Management of Firearms and Explosives.

Article 29 of the Breeding Horse Control Law.

Article 8 of the Law of Management of Merchandise Certificates.

Article 103 of the Forest Law.

Article 10 of the Silk-reeling Industry Law.

Article 24 of the Central Wholesale Market Law.

Article 15 of the Butchery Law.

Article 13 of the Law of Management of Fertilizers.

Article 25-8 of the Pasture Law.

Article 149 of the Insurance Business Law.

Article 42 of the Law concerning Medicine Affairs.

Article 10 of the Law of Management of Exported Silk Fabrics.

Article 7 of the Law of Management of Exported Woolen Fabrics.

Article 12 of the Law of Management of Exported Marine Products.

Article 22 of the Dairy-farming Adjustment Law.

Article 17 of the Forestry and Seedling Law.

Article 36 of the Trade Union Law.

Article 14 of the Law No. 67 of the 14th year of Showa (1939). (Law concerning agency of copyright)

Article 27. In the following provisions, "the head of a House, members of a House" shall read "persons living together".

Article 26 of the Gas Industry Law.

Article 16, paragraph 1 of the Express Business (Kounso) Law.

Article 12 of the Rehabilitation Work Law.

Article 15 of the Warehousing Business Law.

Article 46 of the Ship-building Industry Law.

Article 37 of the Electrical Industry Law.

Article 16 of the Law concerning the Weights and Measures.

Article 9 of the Law concerning Increase of Production and Control of Rationing of Sulphuric Acid Ammonia.

Article 28. The following Laws shall hereby be repealed:

The Law No. 94 of the 32nd year of Meiji (1899) (Law concerning rights of those who have lost nationality).

The Law No. 13 of the 33rd year of Meiji (1900) (Law concerning confirmation of a will in accordance with the provisions of Articles 1079 and 1081 of the Civil Code).

Supplementary Provisons

Article 29. The present Law shall come into force as from January 1, the 23rd year of Showa (1948).

Article 30 The acceptance of trust which was made by a wife without any permission of her husband, before the enforcement of the Law No 74, the 22nd year of Showa (1947) (Law concerning temporary Measures of the Civil Code pursuant to the Enforcement of the Constitution of Japan) cannot be rescinded

Article 31. Bankruptcy in case of applying, relating to succession, in accordance with the provisions of Article 25, paragraph 1 of the supplementary provisions of the Partial Amendments to the Civil Code which comes into force on the same day as the present Law (hereinafter referred to as the New Code) shall be governed by the provisions hitherto in force regardless of the provisions of Article 20

The same as the preceding paragraph shall apply to cases where an adjudication of bankruptcy has been given to the property succeeded to relating to succession of the provisions of Article 25, paragraph 2 of the supplementary provisions of the New Code, before the enforcement of this Law

Article 32 Effect of marriage and the property system of husband and wife in case of an alien having married a woman who is the head of a House or become an adopted child of a Japanese as a husband of his daughter shall, regardless of the provisions of Article 22, be governed by the provisions hitherto in force

CENSUS (FAMILY) REGISTRATION LAW
(Law No. 224, December 22, 1947)

Chapter I. General Provisions

Article 1. The business concerning registration of family shall be managed by a City mayor, Town headman or Village headman.

Article 2. No City mayor, Town headman or Village headman may perform his functions with respect to any registration of family relating to himself, his spouse, his lineal ascendant or lineal descendant.

Article 3. The business concerning registration of family is subject to the supervision of the headman of Judicial Bureau having jurisdiction over the district in which the office of City, Town or Village is situated.

Article 4. In respect of the areas which constitute regions of the wards of Metropolitan District the provisions of this Law relating to a City, City mayor and City office shall apply with the necessary modifications to a Ward, Ward headman and Ward office respectively. The same excepting the provisions of Article 5, Paragraph 1 shall apply also to the special cities and the cities mentioned in Article 155, Paragraph 2 of the Local Self Government Law.

Article 5. All fees received in accordance with the provisions of this Law shall belong to the revenue of a City, Town or Village concerned.

The sum to be paid as the fees above mentioned shall be fixed by law.

Chapter II. Registration Books of Family

Article 6. Any Family Register shall be made up for each husband and wife who have their registered locality within the district of a City, Town or Village and their children whose surnames are the same as that of such husband and wife but in cases where a family register is newly made up for any person having no spouse, it shall be made up for such person and his children whose surnames are the same as that of such person.

Article 7. Family registers shall be bound together and compiled into books.

Article 8. Every Family Register shall be made up in duplicate, the original and the copy thereof.

The original shall be placed at an office of City, Town or Village and the copy shall be kept at a supervising Judicial Bureau or its branch.

Article 9. Family Register shall be indicated by the full names and registered locality of the person who appears first in the Family Register. The same shall apply also after such person has been struck off the family register.

Article 10. Any person who, for a reasonable cause, wishes to inspect a registration book of family or to get a copy of or an abstract from a Family Register may apply therefor upon paying of a fixed fee. The same shall apply also to any person who wishes to get the certification for non-alteration of any of matters stated in a copy of or an abstract from a family register and any person who wishes to get the certification in respect of any of matters registered in a family register. However, a City mayor, Town or Village headman may refuse the application above only in case they have due reason.

If such person pays postage in addition to the fixed fee, he may apply for the sending by mail of the copy, abstract or certificate mentioned in the preceding paragraph.

In making a copy, the transcription of any of the matters relating to a person whose registration was already struck off may be omitted, if it is demanded so to be done by the applicant.

Article 11. If a registration book of family or any part thereof has been or is apprehended to be destroyed, the Attorney General shall order such disposition as to be deemed necessary for its remanufacture or complement; but in case where it has been destroyed, it is necessary to give the public notice thereof.

Article 12. If all of the constituent members of a Family have been struck off the family register, such family register shall be detached from the registration book of family and the family registers of such kind shall be bound together and compiled into a book, which is to be kept as a Struck-off Registration Book of Family.

The provisions of Article 9 to the preceding Article inclusive shall apply with the necessary modifications to a struck-off registration book of family and a struck-off family register detached from a registration book of family.

Chapter III. Registration in Family Registers

Article 13. In addition to the registered locality, every family register shall state the following particulars for each person in the same family:

1. The full name;
2. The date of birth;
3. The cause for which such person is entered in the family register and the date of the said entrance;
4. The full names of such person's natural parents and his connection in point of personal relationship with the natural parents;

5 If such person is an adopted child, the full name of his parents by adoption and his connection in point of personal relationship with the parents by adoption,

6 In respect of husband and wife, the statement to that effect,

7 In respect of a person who has been entered in *the family register from another one, the indication of* the latter family register,

8 Other matters as specified by ordinance

Article 14 The statement of the full names shall be made in the following order

1. If husband and wife assume the surname of husband, the husband, and if they assume the surname of wife, the wife,

2 The spouse,

3 The children

As between the children the priority shall be given according to the order of their birth

With respect to a person who is to be entered in a family register for any of the causes occurred after the making up thereof, the entry shall be effected at the end of the family register

Article 15 Any registration in a family register shall be effected upon a notification, report, application or demand, a copy of a document or of a log-book, or a judicial decision

Article 16 If a notification of marriage is given, a new family-register shall be made up for the husband and wife But this shall not apply if in case the husband and wife assume the surname of husband, the husband, and if they assume the surname of wife, the wife is the person who appears first in the family register [illegible]

[illegible] wife shall be entered in the family register of the wife.

Article 17 If any person other than the person who appears first in the family-register and the spouse thereof comes to have a child assuming the same surname as that of the said person or an adoptive child, a new family register shall be made up for the said person.

Article 18 A child who assumes the surname of its father and mother shall be entered in the family-register of the father and mother

Except in cases mentioned in the preceding paragraph, a child who assumes the surname of its father shall be entered in the family-register of the father and a child who assumes the surname of its mother shall be entered in the family-register of the mother

An adopted child shall be entered in the family-register of its parents by adoption

Article 19 If a person who has altered his or her surname as a result of marriage or adoption resumes the surname assumed by such person prior to the marriage or adoption by reason of divorce or dissolution of the adoptive relation or by reason of annulment of the marriage or of the adoption, such person may be entered into the family-register wherein such person was registered prior to the marriage or adoption, provided, however, that if the said family-register has already been removed or if such person declares his or her intention to have a new family-register made up, a new family-register shall be made up

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where a surname assumed prior to a marriage is resumed in accordance with the provisions of Article 751, paragraph 1 of the Civil Code where a former surname is resumed in accordance with the provisions of Article 791, paragraph 3 of the Civil Code

Article 20 If, a person who is to be entered in another family-register in accordance with the preceding two Articles has the spouse, a new family-register shall be made up for such husband and wife, notwithstanding the provisions of the preceding two Articles

Article 21 A person who has attained majority may effect separation from the present family-register, provided, however, that this shall not apply to the person who appears first in the family-register and such person's spouse

If a notification has been given of separation from the present family-register, a new family-register shall be made up

Article 22 If registration in a family-register is to [illegible] for

Article 23 A person who enters in new or another family-register in accordance with any of the provisions of Articles 16 to 21 inclusive shall be struck off the pres- [illegible] y also to a per- [illegible] udicial declara- [illegible] who has lost [illegible]

Article 24 Upon finding that any statement in a family register is legally not permissible or there is any mistake or omission in respect of the statement, the City mayor, Town headman or Village headman shall, without delay, give notice thereof to the person who had given the notification upon which such statement was made, or to the person to whom the matter notified occurred, but this shall not apply if the aforesaid mistake or omission has been caused through the negligence of the City mayor, Town headman or Village headman

[illegible]

man may, with leave of the supervising Judicial Bureau rectify the statement. The same shall also apply in the case mentioned in the latter part of the preceding paragraph.

A court of any other governmental authority or a Public Procurator or any other governmental official who has found, in the performance of his duties, that any statement in a family register is legally not permissible or there is any mistake or omission in respect of the statement, shall, without delay, give notice thereof to the City mayor, Town headman or Village headman whose administrative district includes the registered locality of the family of the person to whom the matter notified occurred.

Chapter IV. Notifications

Section I. General Provisions

Article 25. Subject to the provisions of this law, any notification shall be given in the district within which the family of the person to whom a matter to be notified occurred has been registered or within which the notification-giver is staying.

A notification in respect of a person who has not Japanese nationality shall be given in the district within which such person's place of residence is situated or within which the notification-giver is staying.

Article 26. In cases where a notification was received in respect of a person whose registered locality had been unknown or who had not yet been registered anywhere and thereafter the registered locality of such person has become known or such person has been registered in a family-register, the person who gave the notification or the person to whom the matter notified occurred shall, within ten days of his becoming aware of such fact, give the notification thereof to the City mayor, Town headman or Village headman who had accepted the aforesaid noitfication, indicating the matter formerly notified.

Article 27. Any notification may be given either in writing or orally.

Article 28. The Attorney General may, having regard to the nature of a matter, fix a form in accordance with which the written notification of that matter shall be given. In the case mentioned in the preceding paragraph, the notification of that matter shall be given in accordance with the form; but this shall not apply in cases where there exists any reason for which non-compliance with the form is rendered imperative.

Article 29. Any written notification shall be signed and sealed by the notification-giver and state the following particulars:

1. The matter notified;
2. The date of the notification;
3. The date of birth and the residence of the notification-giver as well as the indication of the family-register in which he is registered
4. If a notification-giver is not the person to whom the matter notified occurred, the full name, the date of birth and the residence of such person, the indication of the family-register in which such person is registered, and the qualification of the notification-giver.

Article 30. If, by reason of the matter notified, the notification-giver or the person to whom such matter occurred is to be entered in another family-register, the written notification shall contain the indication of the family-register and in case such person is to be struck off the present family-register, the indication of the said present family-register and also in case a new family-register is to be made up for such person, the statement to that effect together with the cause for the making-up of the new family register and the new registered locality of such person.

If, by reason of the matter notified, any other person than a notification-giver or the person to whom such matter occurred is to be entered, into other or new family register, the written notification shall contain in addition to the full name and the date of birth of such person, the matters mentioned in the preceding paragraph according to discrimination as to whether such person enters into other family register or new family register is made up for such person.

If a new family register is to be made up for a person other than a notification-giver, it shall be deemed that the new registered locality of such person shall be the same as the former registered locality.

Article 31. If the person who shall give a notification is a minor or a person adjudged incompetent, it shall be the duty of the person exercising parental power over or the guardian of such person to give that notification in place of him; but notification may be given also by a minor or a person adjudged incompetent.

In cases where a person exercising parental power or a guardian, as such, gives a notification, the written notification shall state the following particulars:

1. The full name, the date of birth and the registered locality of the person who would have to give the notification;
2. The reason of the disability of such person;
3. The statement that the notification-giver is the person exercising parental power or the guardian.

Article 32. In respect of an act which may be validly conducted by a person under disability without the consent of his legal representative, such person shall give the notification thereof.

If a notification-giver is a person adjudged incompetent, a diagnosis which is able to prove his sufficient ability to understand the nature and effect of the matter notified shall be annexed to the written notification.

Article 33. For the notification of a matter for which

witnesses are necessary, the witnesses shall state their dates of birth, the residences and the registered localities in the written notification and shall sign and impress their seals thereon

Article 34 If any matter which is prescribed to be stated in a written notification does not exist or is unknown, the statement to that effect shall be contained in the written notification

No City mayor, Town headman or Village headman shall accept any written notification which fails to contain the statement of any of the matters which are deemed essentially important

Article 35 In addition to the particulars prescribed to be stated by this law or by other laws or ordinances, any written notification shall state such particulars as are necessary for bringing out clearly the matter to be registered in a family register

Article 36 In cases where registration in a family register is to be effected at two or more City offices, Town offices or Village offices, as many written notifications as the number of such offices shall be presented

If a notification is given at a place outside of the district which includes the registered locality of the person to whom a matter to be registered occurred, one more written notification shall be presented in addition to those which shall be presented in pursuance of the provisions of the preceding paragraph

In the cases mentioned in the preceding two paragraphs, a City mayor, Town headman or Village headman may, if he deems it proper, make copies of the written notification presented, and substitute such copies for the written notifications required

Article 37 In order to give the notification of a matter orally, the notification-giver must attend at the appropriate City office, Town office or Village office and state orally the particulars which would have to be stated in the written notification of such matter

The City mayor, Town headman or Village headman shall put the oral statement of the notification-giver in writing, enter the date of the notification in the writing, read it to the notification-giver and make him sign and impress his seal on the writing

If, by reason of sickness or for any other cause, the [illegible]

Article 38 If, in respect of a matter to be notified, it is necessary to obtain any consent, or assent, of a father or mother or any other person, a writing which proves such consent, or assent, shall be annexed to the written notification of the matter, but it shall be sufficient that the person who has given the consent, or assent, makes the statement to that effect in the written notification verified with such person s signature and seal-impression

If, in respect of a matter to be notified, it is necessary to obtain license of a court or a governmental authority, a copy of the decision or the certificate of such license shall be annexed to the written notification

Article 39 The provisions in this law relating to written notifications shall apply with the necessary modifications to the writings mentioned in Article 37, paragraph 2 and in paragraph 1 of the preceding Article

Article 40 Any Japanese who is in a foreign country may, in accordance with the provisions of this law, give a notification to the Japanese ambassador, minister or consul residing in the country

Article 41 If any Japanese who is in a foreign country has, in accordance with the established form of that country had a document executed in respect of a matter to be notified, he shall, within one month, present a copy of such document to the Japanese ambassador, minister or consul residing in that country

If no Japanese ambassador, minister or consul resides in that country, a copy of such document shall, within one month, be dispatched to the City mayor, Town headman or Village headman within whose administrative district such person has been registered

Article 42 The ambassador, minister or consul who has received papers in accordance with the provisions of the preceding two Articles shall, without delay, send them through the Minister of Foreign Affairs to the City mayor, Town headman or Village headman whose administrative district includes the registered locality of the person to whom the matter to be notified occurred

Article 43 The periods of time within which notifications are to be given shall be computed as from the day on which the matter to be notified occurred

If, in cases where a period of time is to be computed as from the day on which a judicial decision became final and conclusive, that judicial decision has become final and conclusive before it is served or delivered to the party concerned, such period of time shall be computed as from the day on which the service or the delivery is effected

Article 44 If a City mayor, Town headman or Village headman has become aware of [illegible] the former

If the person bound in duty to give the notification fails to do so within the period fixed in accordance with the preceding paragraph, the City mayor, Town headman or Village headman may further give a peremptory notice fixing therein a reasonable period within which the notification is to be given.

In cases where the peremptory notices mentioned in [illegible]

a Court or other governmental authority or a Public Procurator or other governmental official has become aware of any person's default of giving a notification in the performance of his duties, the provisions of paragraph 3 of the same Article shall respectively apply with the necessary modifications.

Article 45. If, in cases where a City mayor, Town headman or Village headman has received a notification, he is unable to effect registration in the family-register by reason of any defect in the written notification presented, he shall have it complemented by the person bound in duty to give such notification. In this case, the provisions of the preceding Article shall apply with the necessary modifications.

Article 46. Even if a notification is given after the elapse of the period of time within which it shall be given, the City mayor, Town headman or Village headman must receive the notification.

Article 47. A City mayor, Town headman or Village headman shall receive a written notification even after the death of the notification-giver, if it has been sent by mail before his death.

If a written notification has been received in accordance with the provisions of the preceding paragraph, the notification shall be deemed to have been given at the time of the death of the notification-giver.

Article 48. Any notification-giver may apply for the issue of a certificate of the acceptance or non-acceptance of the notification; but if he applies for the issue of a certificate of acceptance, he must pay a fixed fee.

Any person interested may, only in cases where there exists a special reason therefor, apply for the inspection of the written notification and other papers received by the City mayor, Town headman or Village headman or for the issue of a certificate in respect of any of the particulars stated in such papers. But in case of an application to the City mayor, Town headman or Village headman, a fixed fee must be paid.

The provisions of Article 10, paragraph 2 shall apply with the necessary modifications in the cases mentioned in the preceding two paragraphs.

Section II. Birth

Article 49. A notification of birth shall be given within fourteen days.

A written notification of birth shall state the following particulars:

1. The sex of the child born and the discrimination as to whether the child born is a legitimate child or a child who is not legitimate;

2. The date, the time and minute and the place of the birth;

3. The full names of the father and mother and the registered locality of their family, if either or both of them have or have not Japanese nationality, the statement to that effect;

4. Other matters as specified by ordinance.

In cases where a medical practitioner, midwife or any other person attended at the birth, a certificate of birth made in accordance with the provisions of ordinance made by the medical practitioner, or the midwife or lastly the other person shall be annexed to the written notification. However, this shall not apply in cases where there are unavoidable reasons.

Article 50. In order to indicate the name of a child, it is required to use ordinary and plain characters.

The characters which are within the limit of ordinary and plain characters shall be determined by ordinance.

Article 51. Except in cases where a child is born in any foreign country or any district determined by ordinance, a notification of birth shall be given in the district within which the birth occurred. But if the birth occurred in a train or other means of communication (excepting a ship, the same shall apply hereinafter) a notification shall be given at the place where the mother has gotten out of such means of communication, and if a child has been born on board a ship which keeps no log-book, at the place of first arrival of such ship.

Article 52. A notification of birth of a legitimate child shall be given by its father, and in case the father is unable to give the notification or in case the father and mother divorced before the birth of a child by the mother of the child.

A notification of birth of a child who is not legitimate shall be given by its mother.

In cases where the persons who shall give the notification in accordance with the preceding two paragraphs are unable to give the notification, such persons as enumerated below shall give the notification in the order of the enumeration:

I. The Co-habitants.

II. The medical practitioner, midwife or other person who attended at the child-birth.

Article 53. Even if an action for the denial of the legitimacy of a child has been instituted, the duty to give the notification of the birth of the child is not exempted thereby.

Article 54. In case where the paternity is to be determined by a Court in accordance with the provisions of Article 773 of the Civil Code, the notification of the birth of the child in question shall be given by its mother. In this case the reason for which the paternity still remains undetermined shall be stated in the written notification.

The provisions of Article 52, paragraph 3 shall apply with the necessary modifications in the case mentioned in the preceding paragraph.

Article 55. If a child was born during a voyage, the captain of the ship, shall within twenty-four hours, state the particulars enumerated in Article 49, paragraph 2 in the log-book and verify it with his signature and seal-impression.

If, after the proceedings mentioned in the preceding paragraph had been taken, the ship arrived at a port in [illegible]

book concerning the birth to the ambassador, minister or consul residing in that country, and the ambassador, minister or consul shall, without delay, send it through the Minister of Foreign Affairs, to the City mayor, Town headman or Village headman within whose administrative district the family to be entered by the aforesaid child had been registered

Article 56 If, in cases where a child was born in a hospital, prison or any other public institution, both its father and mother are unable to give the notification of the birth, the chief or the manager of such public institution concerned shall give the notification

Article 57 Any person who found a deserted child or any police officer who was informed of the finding of a deserted child shall, within twenty-four hours, give information thereof to a City mayor, Town headman or Village headman

The City mayor, Town headman or Village headman who has received the information mentioned in the preceding paragraph shall give a full name to deserted child, select the locality of register and state in a record the articles worn or possessed by the child, the place, the date and time as well as other circumstances of the finding, together with the full name, sex, presumptive date of birth and the locality of register of the child This record shall be deemed a written notification

Article 58 If a deserted child died before the proceedings prescribed in paragraph 1 of the preceding Article are taken, such proceedings shall be taken together with the notification of its death

Article 59 The father or the mother of a deserted child shall, if he or she takes back the child, within one month, give the notification of the birth and apply for the rectification of the family-register of the child

Section III Recognition

Article 60 A person who wishes to effect recognition of a child shall state the following particulars and give the notification to that effect

1 In cases where the recognition is effected by the father, the full name and the registered locality of the mother,

2 In cases where a dead child is recognized, the date of death of the child and the full name, the date of birth and registered locality of lineal descendants thereof

Article 61 In cases where a child *en ventre sa mere* is recognized, the written notification of the recognition shall contain the statement to that effect as well as the full name and the registered locality of the mother, and such notification shall be given in the district within which the mother had been registered

Article 62 If, for a person who is to become a legitimate child by virtue of the provisions of Article 789, paragraph 2 of the Civil Code, the father and mother of such person give the notification of the birth stating the person as their legitimate child, such notification shall have the same effect as the notification of the recognition.

Article 63 If a judgment of judicial recognition has become final and conclusive, the person who had instituted the action therefor shall, within ten days of its becoming final and conclusive, give the notification to that effect, annexing a copy of the judgment The written notification of the aforesaid matter shall contain the date on which the judgment became final and conclusive

Article 64 In the case of recognition by will, the executor of the will shall, within ten days of his assumption of the office, give the notification of the recognition in accordance with the provisions of Article 60 or 61, annexing a copy of the will

Article 65 Where a child *en ventre sa mere* who had been recognized was born still, the person bound in duty to give the notification of the birth shall, within fourteen days of his becoming aware of such fact, give the notification to that effect in the district where the noti- [illegible]

Section IV Adoption

Article 66 A person who wishes to effect adoption shall give the notification to that effect

Article 67 In cases where either one of a couple effects an adoption in the names of both of the couple, the reason therefor shall be stated in the written notification

Article 68 If an assent to an adoption has been given in accordance with the provisions of Article 697 of the Civil Code, the notification of the adoption shall be given by the person who has given the assent

Article 69 The provisions of Article 63 shall apply with the necessary modifications in cases where a judgment of annulment of adoption has become final and conclusive.

Section V. Dissolution of Adoption Relation

Article 70. A person who wishes to effect dissolution of adoptive relation shall give the notification to that effect

Article 71. In cases where an agreement of dissolution of adoptive relation has been made in accordance with the provisions of Article 811, paragraph 2 of the Civil Code, the notification thereof shall be given by the person who has made the agreement.

Article 72. In cases where dissolution of adoptive relation is effected in accordance with the provisions of Article 811, paragraph 3 of the Civil Code, the notification thereof may be made only by the adopted child.

Article 73. The provisions of Article 63 shall apply with the necessary modifications in cases where a judgment of judicial dissolution of adoptive relation or of annulment of dissolution of adoptive relation has become final and conclusive.

Section VI. Marriage

Article 74. A person who wishes to effect marriage shall state the following particulars in the written notification and give the notification to that effect:

1. The surname assumed by husband and wife;
2. Other matters as specified by ordinance.

Article 75. The provisions of Article 63 shall apply with the necessary modifications in cases where a judgment of annulment of a marriage has become final and conclusive.

If a Public Procurator had instituted the action on which the aforesaid judgment was rendered, he shall demand for the registration of such judgment in the family-register, without delay after the judgment becomes final and conclusive.

Section VII. Divorce

Article 76. A person who wishes to divorce shall state the following particulars in the written notification and give the notification to that effect;

1. The full names of the party who is determined to exercise the parental power and of the child subject to such parental power;
2. Other matters as specified by ordinance.

Article 77. The provisions of Article 63 shall apply with the necessary modifications in cases where a judgment of judicial divorce or of annulment of divorce has become final and conclusive.

The written notification of divorce mentioned in the preceding paragraph shall state the following particulars:

1. The full names of the party who has been determined to exercise the parental power and of the child subject to such parental power;
2. Other matters as specified by ordinance.

Section VIII. Parental Power and Guardianship

Article 78. A person who wishes to determine the parent having parental power by agreement in accordance with the proviso of Article 819, paragraph 3 or paragraph 4 of that Article of the Civil Code, shall give the notification to that effect.

Article 79. The provisions of Article 63 shall apply with the necessary modifications to the parent having parental power in case a judgment substituting for the agreement mentioned in the proviso of Article 819, paragraph 3 or paragraph 4 of that Article of the Civil Code or judgment changing the parent having parental power has become final and conclusive, or in case one of father and mother has been adjudged forfeiture of his or her parental power or right of management and the other exercises the said power or right and to a person who has applied for judgment in case where a judgment of annulment of adjudication of forfeiture has become final and conclusive.

Article 80. A person who declines to exercise the parental power or right of management or wishes to recover it shall give the notification to that effect.

Article 81. A notification of commencement of guardianship shall be given by the guardian within ten days of his assumption of the office.

The written notification of that matter shall state the following particulars:

1. The cause for and the date of the commencement of the guardianship;
2. The date on which the guardian assumed his office.

Article 82. If a guardian has been changed, his successor shall give the notification to that effect within ten days of his assumption of office. In this case, the provisions of paragraph 2 of the preceding Article shall apply with the necessary modifications.

Article 83. In case the guardian is a guardian who has been designated by will, a copy of the will concerning the designation shall be annexed to the written notification.

In case a judgment appointing a guardian has been rendered, a copy of the judgment shall be annexed to the written notification.

Article 84. A notification of termination of guardianship shall be given by the guardian within ten days of its termination. The written notification of that matter shall state the cause for and the date of the termination of the guardianship.

Article 85. The provisions in this Section relating to a guardian shall apply with the necessary modifications to a supervisor of guardian or a curator.

Section IX. Death and Disappearance

Article 86. A notification of death shall be given within seven days from the day on which the person bound in duty to give the notification became aware of the death, presenting therewith a diagnosis or a post-mortem examination report.

The written notification of that matter shall state the following particulars:

1. The date and the time and minute as well as the place of the death;
2. Other matters as specified by ordinance.

If no diagnosis or post-mortem examination report is obtainable for an imperative reason, any writing which is able to prove the fact of the death may be substituted

therefor In this case, the reason for which no diagnosis or post-mortem examination report is obtainable shall be stated in the written notification of the death

Article 87 The persons enumerated below shall give a notification of death according to the order of the enumeration, but this shall not preclude that the notification is given irrespectively of the order

I The relative who was living with the deceased,
II The person other than relative who was living with the deceased,
III The owner of the house or the land wherein the death occurred or the manager of such house or land

Article 88 Any notification of death shall be given in the district within which the death occurred, except in case the death occurred in a foreign country or a district designated by ordinance But it shall be given, in case the district within which the death occurred is unknown, in the district within which the dead body was found at first, in case the death occurred in a train or other means of communication, in the district within which the dead body was brought down from such means of communication, and in case the death occurred on board a ship which keeps no log-book, in the district at which such ship arrived at first

Article 89 In cases where any person died in consequence of a water calamity, fire or any other disaster, the governmental or public authorities who have made the investigation thereof shall make report of the death to the City mayor, Town headman or Village headman within whose administrative district the death occurred But in cases where the death occurred in a foreign country or a district mentioned in the preceding Article, the report of the death shall be made to the City mayor, Town headman or Village headman within whose administrative district the deceased has been registered

Article 90 If a death penalty has been executed, the chief of the prison concerned shall, without delay, make report of the death to the City mayor, Town headman or Village headman within whose administrative district the prison is situated

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where no person undertakes to take the corpse of a person who died during imprisonment In this case, a diagnosis or post mortem examination report shall be annexed to the written report given in accordance with the preceding paragraph

Article 91. Any of the written reports of the matters mentioned in the preceding two Articles shall state such particulars as are enumerated in Article 86, paragraph 2

Article 92 In cases where the registered locality of a deceased is unknown or it is unable to identify a deceased, the police officer shall prepare the post-mortem inspection record and, without delay, make report of the death to the City mayor, Town headman or Village headman within whose administrative district the death occurred

If the registered locality of the deceased has become known or it has become able to identify the deceased, the police officer shall, without delay, make the report to that effect

If any of the persons enumerated in Article 87, items I and II, identified a deceased after the report of the death mentioned in the paragraph I had been made, such person shall give the notification of the death within ten days of the identification

Article 93 The provisions of Articles 55 and 56 shall apply with the necessary modifications to a notification of death

Article 94 The provisions of Article 63 shall apply with the necessary modifications to person who has applied for the judgment of judicial declaration of disappearance or of annulment of such declaration in case such judgment has become final and conclusive In this case the written notification of judicial declaration of disappearance shall state the date on which the period of time fixed in Article 30 of the Civil Code expired

Section X Resumption of Surname by Surviving Spouse and Dissolution of Matrimonial Relations

Article 95 A person who wishes to resume the surname assumed by him (or her) in accordance with the provisions of Article 751, paragraph 1 of the Civil Code shall give the notification to that effect

Article 96 A person who wishes to declare the intention that he (or she) will dissolve the matrimonial relation in accordance with the provisions of Article 728, paragraph 2 of the Civil Code shall give the notification to that effect, stating the full name, registered locality and the date of death of the dead spouse in a written notification

Section XI Disinheritance of a Presumptive Successor

Article 97. The provisions of Article 63 shall apply with the necessary modifications to person who has applied for a judgment of disinheritance of a presumptive successor or annulment thereof in cases where such judgment has become final and conclusive.

Section XII Entry into a Family Register

Article 98 A person who wishes to assume the surname of the father or mother in accordance with the provisions of Article 791, paragraph 1 or 2 of the Civil Code shall give the notification to that effect, stating full name and registered locality of such father or mother in a written notification

Article 99 A person who wishes to resume the former surname in accordance with the provisions of Article 791, paragraph 3 of the Civil Code shall give the notification to that effect, stating the date on which such

person altered the surname in accordance with the provisions of paragraph 1 or 2 of that Article in a written notification.

Section XIII. Separation from a Family Register

Article 100. A person who wishes to separate from the present family register shall give the notification to that effect.

In cases where a new registered locality is settled in other City, Town or Village, a copy of the family register shall be annexed with the written notification.

Article 101. In cases mentioned in paragraph 2 of the preceding article, a notification of separation from the present family register may be given at the place where such separation has been effected.

Section XIV. Acquisition or Loss of Nationality

Article 102. If an alien is to acquire Japanese nationality by reason of an adoption or a marriage, the original nationality of the acquisitor of Japanese nationality shall be stated in the written notification of the adoption or of the marriage.

Article 103. If an alien is to acquire Japanese nationality by reason of a recognition, the original nationality of the recognized child shall be stated in the written notification of the recognition.

If the person who recognized a child is its father, the written notification shall state the nationality of its mother.

Article 104. A notification of naturalization shall be given within ten days from the day on which the license thereof was granted.

The written notification of the aforesaid matter shall state the following particulars:

1. The original nationality of the naturalized person;
2. The full names and nationalities of the father and mother of such person;
3. The date on which the license was granted;
4. Where any person has acquired Japanese nationality in company with the naturalized person, the full name and the date of birth of such person as well as the connection in point of personal relationship between such person and the naturalized person.

If the wife or any of the children of a naturalized person does not acquire Japanese nationality in company with the naturalized person, the reason therefor shall be stated in the written notification of the naturalization.

Article 105. A notification of loss of Japanese nationality of a person shall be given by the spouse or any of relatives within the fourth degree of relationship within one month from the day on which he became aware of that fact, upon being annexed with a writing proving the loss of Japanese nationality.

The written notification of the aforesaid matter shall state the following particulars:

1. The cause for and the date of the loss of Japanese nationality;
2. If any other nationality has been newly acquired by such person, the statement of that nationality.

Where a person who has lost Japanese nationality is a person who had held Japanese governmental office, a writing whereby it is proved that he ceased to hold such office shall be annexed to the written notification of the loss of Japanese nationality.

Article 106. A notification of recovery of Japanese nationality shall be given within ten days from the day on which the license thereof was granted.

The written notification of the aforesaid matter shall state the following particulars:

1. The cause for which and the date on which the recoverer formerly lost Japanese nationality;
2. The nationality held by such person before his recovery of Japanese nationality;
3. The date of the aforesaid license;
4. Where any person has acquired or recovered Japanese nationality in company with the recoverer, the full name and the date of birth of such person as well as the connection in point of personal relationship between such person and the recoverer.

The provisions of Article 104, paragraph 3 shall apply with the necessary modifications to the notification mentioned in the preceding paragraph.

Section XV. Alteration of Name

Article 107. If the surnàme is required to be altered by reason of imperative cause, the person who appears first in the family-register and the spouse thereof shall, upon obtaining the leave of the Court of Domestic Relations, give a notification to that effect.

A person who wishes to alter the (given) name by reason of reasonable cause shall, upon obtaining the leave of the Court of Domestic Relations, give a notification to that effect.

Section XVI. Transfer of Registered Locality and Establishment of a Family-Register

Article 108. If it is desired to transfer the registered locality, the person who appears first in the family-register and the spouse thereof shall give a notification to that effect, stating in the written notification the new locality of registration.

In cases where the registered locality is transferred to a place within other City, Town or Village, a copy of the family-register made up for the family shall be annexed to the written notification of the aforesaid matter.

Article 109. Any notification of transfer of the registered locality may be given in the district which includes the locality whereto the transfer is effected.

Article 110. Any person for whom there exists no family-register shall give a notification of the establishment of such family-register with leave of the Court of Domestic Relations within ten days from the day on which such leave was granted.

The written notification of the aforesaid matter shall state the date on which the leave for such establishment was granted, in addition to the particulars enumerated in Article 13

Article 111. The provisions of the preceding Article shall apply with the necessary modifications in cases where a notification of the establishment of the family-register is to be given by virtue of a final and conclusive judgment In this case, a copy of such judgment shall be annexed to the written notification

Article 112 Any notification of the establishment of family-register may be given in the district within which such family-register is to be established

Chapter V Rectification of Family-Registers

Article 113 If it is found that a statement in a family-register is legally not permissable or there is any mistake or omission in respect of the statement, any person interested may apply for the rectification of the statement, with leave of the Court of Domestic Relations

Article 114 If it is found that an act which is to become effective upon the notification thereof is null and void, after the registration in respect of such act has been effected in a family-register, the person who has given the notification or to whom the matter notified occurred may apply for the rectification of such registration with leave of the Court of Domestic Relations

Article 115 If a judicial decision granting any of the *leaves mentioned in the preceding two Articles has been* rendered, the rectification of the registration in the family-register in accordance with such decision shall be applied for, within one month and with the annexation of a copy of the decision

Article 116 Where rectification of registration in a family-register is to be effected by virtue of a final and conclusive judgment, the person who had instituted the action on which the judgment was rendered shall, within one month of its becoming final and conclusive, apply for the rectification, annexing a copy of such judgment

Where a Public Procurator had instituted the aforesaid action, he shall demand for the rectification without delay after the judgment becomes final and conclusive

Article 117 The provisions of Article 25, paragraph 1, Articles 27 to 32, 34 to 39 and 43 to 48 (in every case *both inclusive) shall apply with the necessary modifi*cations to an application for rectification of registration in a family-register

Chapter VI Miscellaneous Provisions

Article 118 Any person who, in respect of a matter concerning registration of a family, is discontented with a disposition taken by a City mayor, Town headman or Village headman may raise a complaint against it to the Court of Domestic Relations

Article 119 The leave mentioned in Article 107, Article 110, paragraph 1, Article 113 or Article 114 and the complaint mentioned in the preceding Article shall be deemed to be the matters enumerated in (A) of Article 9, paragraph 1 of the Law of Adjudgment of Domestic Matters with regard to application of that Law

Article 120 Any person who, without reasonable cause, fails to give any notification or application which he is bound to give within a fixed time shall be liable to an administrative fine not exceeding five hundred yen

Article 121 Any person who, in cases where, in accordance with the provisions of paragraph 1 or 2 of Article 44 (including the case where this Article is applicable with the necessary modifications under Article 117), a City mayor, Town headman or Village headman has given a peremptory notice to give a notification or to present an application within a period of time fixed by him, without reasonable cause fails to give the notification or present the application within such time shall be liable to an administrative fine not exceeding one thousand yen

Article 122 *Any City mayor, Town headman or* Village headman shall be liable to an administrative fine not exceeding one thousand yen in any of the following cases

1 If, without reasonable cause, he fails to accept any notification or application,

2 If he neglects to effect any registration in a Family-Register,

3 If, without reasonable cause, he refuses to permit the inspection of Family-Registration Book, Struck-off Family-Registration Book or the written notification and other papers received,

4 If, without reasonable cause, he fails to deliver any copy of or any abstract from a family-register or struck-off family-register, any certificate mentioned in Article 10, paragraph 1 including the case where this [illegible] modifications in Article 117),

5 If he otherwise neglects to perform any of his duties with respect to any matter concerning family-registration

Article 123 A judicial decision imposing an administrative fine shall be rendered by the Summary Court.

Article 124 Any person who gives a false notifica*tion in respect of a matter which need not be registered*

in a family-register shall be liable to imprisonment with hard labour for a term not exceeding one year or a fine not exceeding one thousand yen. The same shall apply also to any person who gives a false notification in respect of a matter relating to a person who has not Japanese nationality.

Article 125. The matters concerning written notification or thought necessary for the transaction of business concerning family-register shall be provided by ordinance in addition to those prescribed by this law.

Supplementary Provisions

Article 126. This Law shall come into force as from January 1, the 23rd year of Showa (1948).

Article 127. In the purview of these Supplementary Provisions, the new law shall mean the Family Registration Law after amendment, the old Law, the present Family Registration Law; the new Civil Code, the Law for Partial Amendment of the Civil Code which shall come into force as from the same day of this Law's coming into; the old Civil Code; the present Civil Code; and the Emergent Measures Law, the Law No. 74 of the 22nd year of Showa.

Article 128. The family-registers made up in accordance with the provisions of the old Law shall be deemed to have been made up in accordance with the provisons of the new Law. However, if ten years shall have elapsed as from coming into force of this Law, the family-registers made up in accordance with the provisions of the old Law shall be revised under the new Law pursuant to the provisions specified by ordinance.

The registered locality selected pursuant to the old Law shall be deemed to have been selected pursuant to the new Law.

Article 129. In respect of the case to which the old Civil Code is applicable, the provisions of the old Law shall remain applicable even after coming into force of the new Law.

Article 130. The provisions of the new Law shall be applicable even in cases where a registration is to be made in a family-register or a new family-register is to be made up by reason of a notification given or other cause occurred before coming into force of the new Law.

Article 131. In cases where a new family-register is made up for any person who is registered in the family-register mentioned in Article 128, paragraph 1, any child who is registered in the family-register mentioned in the said paragraph and has assumed continuously the same name as such person shall be entered in the new family-register; provided, however, that this shall not apply to cases where such child has the spouse or a child registered in the same family-register.

In cases of the preceding paragraph, if a new registered locality is established in a city, town or village where the former registered locality existed, the provisions of Article 30, paragraph 2 shall not apply.

Article 132. The provisions of Article 9, paragraph 1, and Article 99 of the new Law shall apply with the necessary modifications in case the former surname is resumed in accordance with the provisions of Article 12 of the Supplementary Provisions of the new Civil Code.

Article 133. A person registered in the family-register mentioned in Article 128, paragraph 1 who has the spouse cannot separate from the present family-register unless in company with such spouse.

Article 134. If an agreement determining as to who shall exercise the parental power has been arrived at in accordance with the provisions of the former part of Article 6, paragraph 2 of the Emergent Measures Law after coming into force of the Emergent Measures Law and before coming into force of the new Law, the parent having parental power shall give a notification to that effect, annexing a writing which proves such agreement, within ten days from the day of coming into force of the new Law. In this case, Article 38, paragraph 1, proviso and Article 39 shall apply with the necessary modifications.

If a judgment mentioned in any of the latter part of paragraph 2 and paragraph 3 of Article 6 of the Emergent Measures Law has become final and conclusive after coming into force of the Emergent Measures Law and before coming into force of the new Law, the parent having parental power shall give a notification to that effect, annexing a copy of such judgment, within ten days from the day of coming into force of the new Law. The written notification of such matter shall state the date on which the judgment became final and conclusive.

Article 135. The provisions of Article 78 of the new Law shall apply with the necessary modifications to a person who wishes to determine the parent having parental power by agreement in accordance with the provisions of Article 14, paragraph 1 of the Supplementary Provisions of the new Civil Code. The provisions of Article 63 of the new Law shall apply with the necessary modifications to the parent having parental power in cases where the judgment prescribed in any of paragraphs 2 and 3 of Article 14 of the Supplementary Provisions of the new Civil Code has become final and conclusive.

Article 136. A person who is a supervisor or guardian at the time of coming into force of the new Law shall, within ten days from the coming into force of the new Law, give a notification prescribed in the provisions of Article 81 or 82 of the new Law which are applicable with the necessary modifications under Article 85 of the new Law.

Article 137. If a notification of transfer of registered locality has been given with regard to family-register

mentioned in Article 128, paragraph 1, the family-register shall be made up pursuant to the former family-register notwithstanding the provisions of the new Law.

Article 138 The following law and ordinances shall be abrogated·

The proclamation of Dajokan, No 235, the 5th year of Meiji (1872) (Ordinance concerning Alteration of Surname and Name)

The proclamation of Dajokan, No 118, the 6th year of Meiji (1873) (Ordinance concerning the use of character applied to the posthumous name and name of past Emperors or Empresses)

Law No 4, the 15th year of Showa (1939) (Law concerning notification of family register by means of commission or by mail)

Order of Ministry of Justice No 47, the 21st year of Showa (1945) (Order concerning notification of birth, death and others)

In respect of the commission of notification made before coming into force of this Law, the Law No 4 of the 15th year of Showa shall remain effective In this case the confirmation mentioned in Article 1, paragraph 1 of that Law shall be made by the Court of Domestic Relations

The provisions of Article 119 of the new Law shall apply with the necessary modifications to confirmation mentioned in the preceding paragraph

Article 139 The Law concerning the registration of one's residence shall partly be amended as follows

In Article 2, paragraph 2, "Articles 5 and 6" shall read "and Article 4 "

In Article 3, "an Imperial Ordinance" shall read "a Cabinet Order "

In Article 4, paragraph 2, "five yen" shall read "two hundred yen "

In Article 4, paragraph 2, "Article 179" shall read Article 123 "

Article 140 In application of provisions relating to administrative fine imposed against any act which has been done before coming into force of the present Law, the provisions hitherto in force shall be complied with

Article 141 With respect to a case of administrative fine which is pending a Court at the time of coming into force of the present Law, the provisions hitherto in force shall be complied with

Article 142 Before coming into force of Law concerning Establishment of Attorney General, "the Attorney General" in Articles 11 and 28, paragraph 1 of the present Law shall read "the Minister of Justice "

Article 143. The sum of the fees referred to in Article 5, paragraph 2 may be ruled by Cabinet Orders until the time when it is subject to the application of provisions of Article 3 of the Finance Law, Law No 34 of 1947

LAW FOR OATH AND TESTIMONY OF WITNESSES IN THE DIET

(Law No. 225, December 23, 1947)

Article 1. When a request is made by either of the Houses to appear or to produce papers as witness for deliberation of a bill and others or for investigation concerning national administration, any person must comply with the request except in cases where this law provides otherwise.

Article 2. The President of either House or the chairman of a committee thereof or the chairman of a joint examination meeting of both Houses shall, when requests testimony of a witness who has appeared, put him on oath prior thereto except in cases where this law provides otherwise.

Article 3. Oath shall be made by causing a witness to read a written oath and to affix his signature and seal thereto.

The written oath must have a statement to the effect that the witness will swear to tell the truth according to conscience and to conceal or add nothing.

Article 4. A witness may decline to make oath or give testimony or produce papers only in such cases as fall under the provisions of Article 280 (excepting Item 3) and Article 281 (excepting Item 1 and Item 3 of Paragraph 1) of the Code of Civil Procedure.

The provisions of Article 282 of the Code of Civil Procedure shall apply mutatis mutandis to the cases of the preceding paragraph.

Article 5. In case a witness who has appeared is or was a public official (other than a member of the Diet who is not a State Minister) and the person or the public office concerned makes a statement, regarding a fact which he came to know, to the effect that the matter concerns official secret, either House or a committee thereof or a joint examination meeting of both Houses may not demand of him to give testimony or produce papers unless a consent of the public office or supervising authorities thereof is obtained.

A refusal of such consent by the public office concerned or supervising authorities thereof must be accompanied by an explanation of the reasons therefor. If these reasons are acceptable to the House, committee or joint examination meeting which has summoned the witness, he need not testify or produce papers.

In case that the reason of the preceding paragraph are unacceptable, the House, committee or joint examination meeting concerned may further request a Cabinet statement to the effect that such testimony or production of such papers would adversely affect vital national interests. If such a statement is given, the witness need not testify or produce papers.

Unless a Cabinet statement is not issued within ten days of the request of the preceding paragraph, the witness must testify or produce papers as previously requested.

Article 6. When a witness who made oath in accordance with this law gives a false statement, he shall be punished with penal servitude for not less than three months nor more than ten years.

When the person who has committed the crime provided for in the preceding paragraph makes a confession prior to the conclusion of the deliberation or investigation of the House, committee or joint examination meeting of both Houses before which he has appeared, and prior to discovery of the commission of the crime, his punishment may either be mitigated or remitted.

Article 7. When a person who has been summoned as a witness by either House fails to appear or to produce the required papers without justifiable reasons or, having appeared, refuses to make oath or to give testimony without a justifiable reason, he shall be punished with imprisonment for not more than one year or fine not exceeding ten thousand yen.

The person who has committed the crime of the preceding paragraph may be punished with both imprisonment and fine according to circumstances.

Article 8. Either House or a committee thereof or a joint examination meeting of both Houses must charge to the Public Prosecutors Office a witness who is deemed to have committed a crime under the preceding two articles. However, when the witness who has given a false testimony makes a confession prior to the conclusion of the deliberation or investigation of the House, committee or joint examination meeting before which he has appeared, and prior to discovery of the commission of the crime, the House concerned may decide not to indict the witness. In the case of testimony taken before a joint examination meeting, such decision shall be made by both Houses.

Supplementary Provision:

This Law shall come into force on and after the day of its promulgation.

LAW ABOLISHING THE HOME MINISTRY
(Law No 238, December 26, 1947)

The Ministry for Home Affairs shall be abolished as of December 31, 1947 For this purpose, the following Imperial Ordinances shall be repealed

Imperial Ordinance concerning the Regulations governing the Organization of the Ministry for Home Affairs

Imperial Ordinance concerning the Regulations governing the Temporary Establishment of the Investigation Bureau in the Ministry for Home Affairs

Imperial Ordinance concerning the Regulations governing the Organization of the Reconstruction Board

Imperial Ordinance concerning the Regulations governing the Temporary Establishment of the Special Construction Bureau in the Reconstruction Board

Supplementary Provisions

Functions which will remain as the responsibility of the Ministry for Home Affairs at the date of its abolition shall be handled by an office of Domestic Affairs belonging to the jurisdiction of the Prime Minister

Such organization and personnel of the Ministry for Home Affairs as may be needed for the conduct of the business mentioned in the preceding paragraph may be transferred as provided for by Cabinet Order

The post of the head of the Office of Domestic Affairs may be filled by a Minister of State

The Office of Domestic Affairs shall be of temporary character and will cease to function and exist when its functions have been transferred to other agencies or eliminated as provided by law

The Office of Domestic Affairs may not exist in any event more than 90 days as from the day of its establishment

THE MARITIME SAFETY AUTHORITIES LAW

(Law No. 28, April 27, 1948)

Chapter I. Organization

Article 1. For the purpose of insuring Maritime Safety and preventing, detecting and suppressing violations of laws of the Japanese Government in harbors, bays, sounds, and coastal waters on the high seas adjacent to Japan, there shall, by virtue of this Law, be established as a separate agency, under the jurisdiction of the Minister of Transportation, the Maritime Safety Board.

The area of a port in the mouth of a river shall be established by separate law.

Article 2. The Maritime Safety Board shall perform the functions concerning the enforcement of laws and orders pertaining to safety of vessels, the qualifications and minimum number as to manning of ship's officers, assistance to vessels in distress, investigation of marine disasters, pilots, prevention and suppression of crime at sea, detection and arrest of criminals at sea, service concerning waterways and navigational aids, other businesses of insuring maritime safety and the businesses concerning matters subsidiary thereto.

Those functions heretofore under the jurisdiction of the Secretariat of the Minister of Transportation, Director-General's Secretariat of the General Maritime Bureau, Maritime Transport Bureau, Ship Bureau, Seamen Bureau, Commissioners of Marine Courts of Inquiry, Lighthouse Bureau, Hydrographic Bureau or those functions of other administrative authorities which are mentioned in the preceding paragraph shall be placed under the jurisdiction of the Maritime Safety Board.

Article 3. All personnel serving on or under the Maritime Safety Board shall be appointed, promoted, disciplined, dismissed and otherwise managed under and in conformity with the provisions of the National Public Service Law.

The total personnel of the Maritime Safety Board shall not exceed 10,000 persons.

Article 4. The vessels of the Maritime Safety Board shall be vessels suitable in construction, equipment and ability for the maintenance of navigational aids, the prevention of smuggling, the rendering of assistance to distressed mariners and the preservation of life and property from shipwreck.

The vessels shall not exceed one hundred and twenty-five (125) in number, harbor craft excluded, nor 50,000 gross tons total tonnage; provided further: that no vessel shall individually exceed 1,500 gross tons displacement nor be capable of exceeding fifteen knots in speed.

Vessels of the Maritime Safety Board shall be distinctively marked and numbered and shall fly the Japanese national ensign and a distinguishing Maritime Safety Board flag.

Article 5. There shall be established in the Maritime Safety Board the Director General's Secretariat, the Safety Bureau, the Hydrographic Bureau and the Lighthouse Bureau.

Article 6. The Director-General's Secretariat shall perform the following functions:

1. Matters concerning the appointment, dismissal, status, discipline, refinement and training of Maritime Safety Board personnel;
2. Matters concerning the custody of the official seals of the Director General and of the Maritime Safety Board;
3. Matters concerning investigation, planning, general examination and coordination pertaining to the service under its jurisdiction;
4. Matters concerning the receipt, forwarding, compilation and custody of official documents;
5. Matters concerning the furnishing of statistical reports,
6. Matters concerning the estimate of expenditure and income, settlement, accounting and audit of accounts;
7. Matters concerning the government-owned properties and articles, except those which fall under the jurisdiction of each Bureau of the Maritime Safety Board.

Article 7. The Safety Bureau shall perform the following functions:

1. Matters concerning the rules of sailing and signals for navigation of vessels;
2. Matters concerning the enforcement of the laws and orders pertaining to the safety of ships at sea; and matters concerning the qualification and the authorized minimum fixed number of officers required on board;
3. Matters concerning the removal of menace to navigation;
4. Matters concerning the salvage of human life, cargo and vessel from shipwreck and the necessary assistance in case of natural calamities, accidents and other events where relief is required;
5. Matters concerning the investigation of maritime disasters;
6. Matters concerning the application for trial, and the execution of decisions of Marine Courts of Inquiry;
7. Matters concerning the supervision over those, other than maritime authorities, engaged in the services to rescue human life and properties at sea, and to clear obstacles against the navigation of vessels;
8. Matters concerning the supervision necessary for keeping safety at sea for those engaged in maritime transportation business for passengers or cargoes;
9. Matters concerning the supervision over pilots and pilot business;
10. Matters concerning the patrol of coastal waters;

11 Matters concerning prevention and suppression of criminal cases such as smuggling, illegal entry, etc ,

12 Matters concerning the search for, and arrest of, criminals at sea,

13 Matters concerning the prevention and suppression of riots and disturbances at sea,

14 Matters concerning supervision and operation of base facilities, communication facilities and vessels to be used by the Maritime Safety Board, matters of providing water transportation for the customs, quarantine and other administrative authorities in the performance of their official duties,

15 Matters concerning the cooperation, mutual assistance and liaison service between maritime safety authorities and the National Rural Police and Police of Cities, Towns and Villages inclusive (hereinafter referred to as the police authorities), customs, quarantine stations or other administrative authorities concerned

Article 8 The Hydrographic Bureau shall perform the following functions

1 Matters concerning the survey of waterways and meteorological observation at sea,

2 Matters concerning providing charts and directions for navigation and aviation,

3 Matters concerning the information of the matters necessary for keeping nautical safety,

4 Matters concerning the investigation and study of the matters provided for in each of the preceding items

Article 9 The Lighthouse Bureau shall perform the following functions

1 Matters concerning the establishment, maintenance and operation of lighthouses and other aids to navigation,

2 Matters concerning the meteorological observation with the apparatus for lighthouses and other navigational aids,

3 Matters concerning the supervision over those, other than maritime safety authorities, engaged in installation, maintenance, or operation of navigational aids, such as lighthouses, etc

Article 10 The Maritime Safety Board shall have a Director-General The Director-General of the Maritime Safety Board shall preside over the Board affairs and direct and control his subordinate personnel under the direction and supervision of the Minister of Transportation, provided that he shall be under the direction and supervision of the Competent Minister or the Attorney General respectively regarding the business affairs under the jurisdiction of a Minister other than that of Transportation or the Attorney General

Article 11 Each Bureau of the Maritime Safety Board shall have a Director

The Director of a Bureau shall, under the direction of the Director-General, preside over the Bureau affairs and direct and control the functions of each Section of the Bureau

Article 12 The Minister of Transportation may establish Maritime Safety offices at the places deemed necessary and allot the functions of the Maritime Safety Board to such offices

Article 13 The Director of the Hydrographic Bureau of the Maritime Safety Board may issue a hydrographic notification

Article 14 Maritime Safety officials shall be stationed in the Maritime Safety Board by virtue of this Act and shall be caused to perform the functions specified in Article 7, Items 2 to 5 and Items 7 to 13 inclusive, and those concerning the inspection, maintenance and repair of lighthouses and other navigational aids, including hydrographic surveys

Maritime Safety officials shall be appointed by the Minister of Transportation from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 3 or Article 36 of this Act

Article 15 Maritime Safety officials insofar as they are engaged pursuant to the authority contained in this Act, in enforcing any law of Japan, shall be deemed, as far as their authorities are concerned, to be acting as agents of the particular executive department charged with the administration of the particular law and be subject to all the rules and regulations promulgated by such department with respect to the enforcement of that law

Article 16 Whenever necessary for the performance of the functions referred to in Article 7, Item 4, or for the arrest of a criminal, a maritime safety official may call upon the persons nearby for cooperation

Article 17 A Maritime Safety official, may, when necessary for the performance of his duties, direct a shipmaster or other persons in charge of a vessel to produce the ship's official papers, to visit and inspect the vessel for the purpose of ascertaining her identity, her sailing port, name of master, from what port or place she last sailed, for what port or place she is bound, the nature of her cargo, or that she is light or in ballast, if such be the case, and all other particulars concerning the vessel, her cargo, and any voyage that he may consider of importance, to question crew and passengers as may be necessary in the discharge of his duties

When a Maritime Safety official visits and inspects a vessel or asks a question as mentioned in the preceding paragraph, he shall have a uniform on or carry with him a certificate testifying to his official position

Article 18 A Maritime Safety official may, whenever deemed actually unavoidable from various circumstances for the performance of his duties, take any of the following measures, besides those specified in other laws and orders in regard to the performance of his functions.

1. To make a vessel stop proceeding, or to suspend her departure;

2. To make a vessel deviate from her pre-determined route or to make her sail to a port which he designates;

3. To make the crew, passengers, or other persons on board, disembark the vessel, or to restrict or prohibit their disembarkation;

4. To cause the cargo to be discharged, or to restrict or prohibit its discharge;

5. To restrict or prohibit the traffic between vessels or between a vessel and shore, when such vessel or vessels are under quarantine, undergoing investigation, are under seizure or constitute a menace to life.

Article 19. A Maritime Safety official may carry side-arms with him in order to perform his functions.

Article 20. A Maritime Safety official shall not use arms except in cases where the use is unavoidably necessary for the execution of his duties with particular reference to protecting his own or other persons life or body.

Article 21. The captain of the Port shall be appointed by the Minister of Transportation from among the personnel of the Maritime Safety Board who have been appointed pursuant to the provision of Article 3 or Article 36 of this Act.

The Captain of the Port shall handle the matters for the enforcement of the statutes concerning harbour regulations under the direction and supervision of the Director-General of the Maritime Safety Board.

Article 22. The Minister of Transportation shall appoint Commissioners for the Inquiry of Sea Casualties from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 3 or Article 36.

Commissioners for the Inquiry of Sea Casualties shall perform the functions specified in Article 7, Item 6 under the direction and supervision of the Director-General, Maritime Safety Board.

Article 23. Operating Regulations for the government of the personnel of the Maritime Safety Board shall be established by the Minister of Transportation and shall conform to existing laws and regulations governing the status of National Public Servants.

Article 24. For the purpose of maintaining navigational aids, prevention of smuggling and assistance to distressed mariners the Director General, Maritime Safety Board shall assign vessels to stations, and designate districts or coastal areas of which it is to be charged, as may be necessary.

Article 25. Nothing in this Act shall be construed so as to permit the Maritime Safety Board or its personnel to be trained or organized as a military establishment or to function as such.

Chapter II. Maritime Safety Committee

Article 26. For the purpose of deliberating on the matters concerning the operation and improvement of the maritime safety system, Maritime Safety Committees shall be established in the Maritime Safety Board.

Maritime Safety Committees are divided into the Central Maritime Safety Committee and the Local Maritime Safety Committees.

The Central and Local Maritime Safety Committees may not only reply to the questions of the Director-General of the Maritime Safety Board but also express the opinion on the operation and improvement of the maritime safety system to the Director-General of the Maritime Safety Board.

Chapter III. Mutual Aid

Article 27. The Maritime Safety Board and the police authorities, the Customs and other administrative authorities concerned shall maintain liaison and may, when deemed necessary for the prevention and suppression of crimes and search for, and arrest of criminals, consult and coordinate with each other and request each other to dispatch the personnel concerned or to render other necessary cooperation.

The Maritime Safety Board, the police authorities or the customs or other administrative authorities concerned who have been requested as mentioned in the preceding paragraph may comply with such request.

Article 28. In the case contemplated in the preceding Article, the personnel who have been dispatched shall be caused to come under the operational direction of the administrative authorities who have requested such dispatch.

Chapter IV. Supplementary Provisions

Article 29. The Director-General of the Maritime Safety Board may delegate part of his functions and duties to some of the personnel under his jurisdiction.

Article 30. In cases where the Director General of the Maritime Safety Board is unable to discharge his duties or where the post of the Director-General of the Maritime Safety Board has become vacant, other officials of the said Board shall temporarily perform the duties of

the Director-General of the Maritime Safety Board in the order as shall be designated by the Minister of Transportation.

Article 31 A Maritime Safety official who has been appointed from among second class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a senior police official as provided for in Article 248 of the Criminal Procedure Code and a Maritime Safety Official who has been appointed from among third class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a police official as provided for in Article [illegible]

[illegible]

application of Article 4, par 1 of the Labor Union Law and Article 38 of the Labor Relations Adjustment Law

Article 33 Other than the provision of this Act, the classification of personnel of the Maritime Safety Board, their functions, the organization of the Maritime Safety Committee, the qualifications and term of office of the members of the Committee and other necessary matters concerning the personnel of the Maritime Safety Board and the Maritime Safety Committee shall be provided for by a Cabinet Order

Appendix

Article 34 The date of the enforcement of this Act shall be fixed by a Cabinet Order, provided that the date shall not be after May 1, 1948

Article 35 The Maritime Safety Board shall, for the time being, perform the functions concerning the custody of ex-naval vessels

The functions mentioned in the preceding paragraph shall be under the jurisdiction of the Safety Bureau, Maritime Safety Board

Article 36 Pending the establishment of rules of the National Personnel Authority concerning and its personnel, the appointment, promotion, discipline and dismissal of such personnel shall conform for the time being to existing laws and regulations

Article 37 Nothing in this Act is to be construed as an authorization for the employment of additional personnel over and above those presently employed, to carry on the functions and activities enumerated in this Act until funds are provided in the budget

Article 38 With specific regard to the lighthouse supply ship No 18 NISHO-MARU (2005 gross tons) and the hydrographic survey ship SOYA (2207 gross tons) the gross tonnage for individual vessel may exceed 1,500 gross tons displacement for the life of these vessels only, notwithstanding the limitations established by paragraph 2 of Article 3

Article 39 The provisions of any law or ordinance existing at the time of enactment of this Act shall be null and void for the future, insofar as they are in conflict with the provisions of this Act, except any such laws or ordinances issued pursuant to instructions of the Supreme Commander of Allied Powers shall remain full force and effect

Article 40 A part of the Imperial Ordinance governing the Organization of the Ministry of Transportation shall be amended as follows

In Article 1, "other than the matters which are under the jurisdiction of the Maritime Safety Board" shall be added next to the "Minister of Transportation "

In Article 3, (The matters under the jurisdiction of the General Maritime Bureau shall be excluded)" shall be deleted

In Article 5, Item 1 Waterways, aids to navigation and other matters concerning water transportation" shall read "Other matters concerning water transportation," Item 4 of the same Article shall be deleted and Item 5 of the same Article shall be Item 4

Article 41 The following amendment shall be made to part of the Imperial Ordinance governing the Organization of the Maritime Bureau

In Article 1, Item 1, "the matters concerning water transportation such as the matters concerning routes, provided that the matters concerning aids to navigation shall be excluded" shall read other matters concerning water transportation, provided that the matters under the jurisdiction of the Maritime Safety Board shall be excluded " Item 2 of the same Article shall be deleted Item 3 shall be Item 2 and Item 4 shall be Item 3 Item 5 shall be deleted and Item 6 shall be Item 5

Article 42 Part of the Sea Casualties Inquiry Law shall be amended as follows

Articles 17 and 18 shall be deleted

In Article 28, those offices of the Maritime Safety Board as provided for in Article 12 of the Maritime Safety Authorities Law which exercise jurisdiction over the location (hereinafter referred to as the offices of the Maritime Safety Board)" shall be added next to ' Local Marine Courts of Inquiry "

In Article 29, "the High Marine Court of Inquiry' shall read "the Safety Bureau, Maritime Safety Board "

In Article 30, "Local Marine Court of Inquiry" shall read "the Office of the Maritime Safety Board "

In Article 54, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board "

Article 58 The decision of the High Marine Court of Inquiry shall be executed by the Commissioner of the Safety Bureau, Maritime Safety Board and the decision of a Local Marine Court of Inquiry by the Commissioner of those offices of the Maritime Safety Board which

exercise jurisdiction over the location of the competent Local Marine Court of Inquiry.

Article 43. Both the Imperial Ordinance governing the Organization of the Lighthouse Bureau and the Imperial Ordinance governing the Organization of the Hydrographic Bureau shall be repealed.

Reason

In view of the new situation after termination of the war, it is necessary to establish the maritime safety system for securing maritime safety and preventing, searching for and suppressing violation of laws. This is the reason why this bill has been submitted.

LAW FOR ADMINISTRATIVE EXECUTION BY PROXY

(Law No 43, promulgated on May 15, 1948)

Article 1 Matters connected with insuring the fulfilment of administrative obligations shall be determined by this law, unless otherwise provided for by other laws

Article 2 In cases where, in regard to acts (to be limited to those which another person is capable of fulfilling on behalf of the principal) ordered directly by law (inclusive of orders, regulations and by-laws based on the delegation by law—the same to apply hereinafter) or ordered by an administrative public office on the basis of law, a person who is under obligation does not fulfill such acts, and where it is deemed difficult to insure their fulfilment and such nonfulfilment, if left alone, is considered greatly prejudicial to the public interest, the competent administrative office may proceed to execute, on its own accord, the acts which should have been performed by the person under obligation or to cause a third party to perform such acts and collect the expenses therefor from the person under obligation

Article 3 When the disposition as provided for in the preceding Article (execution by proxy) is to be made, a reasonable term for the fulfilment of the liability involved shall be fixed and previous warning shall be given by means of written document to the effect that, in the event of any failure to carry it out before the expiration of the designated term, the execution by proxy shall be resorted to

When the person under obligation, after the receipt of the warning mentioned in the preceding paragraph, fails to fulfil his liability before the expiration of the designated term, the competent administrative office shall notify the person under obligation, of making such disposition, the name of the responsible person who is to be detailed for the execution by proxy, and the estimated amount of expenses necessary for the purpose

In cases of emergency or imminent danger where there is urgent necessity for immediate performance of the act and there is no time to take the procedure prescribed in the two preceding paragraphs, the execution by proxy may be resorted to without going through the above procedure

Article 4 The person responsible for execution who is detailed to the spot to carry out the execution by proxy shall carry on his person an identification card showing that he is such an individual responsible for execution, and shall be required to present it for inspection at any time on demand

Article 5 With regard to the collection of expenses incurred in connection with the execution by proxy, the amount actually incurred and the date of payment shall be decided first, and the person under obligation shall be ordered to pay by means of a written document

Article 6 The expenses incurred in connection with execution by proxy may be collected following the pattern of the Law for the Collection of National Taxes

In regard to the expenses incurred in connection with the execution by proxy, an administrative office may have a priority claim next to national taxes or the same priority with other cases of collecting of money by the local public entity concerned as the case may be, according to the classification of office expenses

When the expenses incurred in connection with the execution by proxy have been collected, the amount collected shall revert to the revenue of national treasury or of local public entities according to the classification of such office expenses

Article 7 Any person who has objections with regard to execution by proxy may make an administrative appeal or file objections with the administrative office concerned

The term for filing objections as provided in the preceding paragraph, the effect of filing such objections and the decisions on them shall be the same as in the cases of administrative appeal as provided in the Law for Administrative Appeal

The provisions of the preceding paragraph do not affect the right of appeal to courts

Supplementary Provisions

The present law shall come into force after 30 days counting from the day of its promulgation

The Administrative Execution Law is hereby abrogated

exercise jurisdiction over the location of the competent Local Marine Court of Inquiry.

Article 43. Both the Imperial Ordinance governing the Organization of the Lighthouse Bureau and the Imperial Ordinance governing the Organization of the Hydrographic Bureau shall be repealed.

Reason

In view of the new situation after termination of the war, it is necessary to establish the maritime safety system for securing maritime safety and preventing, searching for and suppressing violation of laws. This is the reason why this bill has been submitted.

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Article 3 *When the disposition as provided for in* the preceding Article (execution by proxy) is to be made, a reasonable term for the fulfilment of the liability involved shall be fixed and previous warning shall be given by means of written document to the effect that, in the event of any failure to carry it out before the expiration of the designated term, the execution by proxy shall be resorted to

When the person under obligation, after the receipt of the warning mentioned in the preceding paragraph, fails to fulfil his liability before the expiration of the designated term, the competent administrative office shall notify the person under obligation, of making such disposition, *the name of the responsible person who is to* be detailed for the execution by proxy, and the estimated amount of expenses necessary for the purpose

In cases of emergency or imminent danger where there is urgent necessity for immediate performance of the act and there is no time to take the procedure prescribed in the two preceding paragraphs, the execution by proxy may be resorted to without going through the above procedure

Article 4 The person responsible for execution who is detailed to the spot to carry out the execution by *proxy shall carry on his person an identification card* showing that he is such an individual responsible for execution, and shall be required to present it for inspection at any time on demand

Article 5 With regard to the collection of expenses incurred in connection with the execution by proxy, the amount actually incurred and the date of payment shall be decided first, and the person under obligation shall be ordered to pay by means of a written document

Article 6 The expenses incurred in connection with execution by proxy may be collected following the pattern of the Law for the Collection of National Taxes

In regard to the expenses incurred in connection with *the execution by proxy,* an *administrative office may* have a priority claim next to national taxes or the same priority with other cases of collecting of money by the local public entity concerned as the case may be, according to the classification of office expenses

When the expenses incurred in connection with the execution by proxy have been collected, the amount collected shall revert to the revenue of national treasury or of local public entities according to the classification of such office expenses

Article 7 Any person who has objections with regard to execution by proxy may make an administrative appeal or file objections with the administrative office concerned

The term for filing objections as provided in the preceding paragraph, the effect of filing such objections and the decisions on them shall be the same as in the cases of administrative appeal as provided in the Law for Administrative Appeal

The provisions of the preceding paragraph do not affect the right of appeal to courts

Supplementary Provisions·

The present law shall come into force after 30 days counting from the day of its promulgation

The Administrative Execution Law is hereby abrogated

THE LAW FOR SPECIAL REGULATIONS CONCERNING THE PROCEDURE OF ADMINISTRATIVE LITIGATIONS

(Law No. 81, promulgated on July 1, 1948)

Article 1. In addition to the provisions of the present law, the Code of Civil Procedure shall apply to an action for annulment or alteration of illegal disposition made by an administrative office as well as other actions concerning public legal relations.

Article 2. In case where, in regard to illegal disposition made by an administrative office, the filing of a petition (Sogan), request for screening, raising of objection or filing of complaint against that office hereinafter simply called "petition") is authorized by law or ordinance, no action applying for annulment or alteration of such illegal disposition shall be brought in before a decision (Saiketsu), ruling (Kettei) or any other disposition thereupon (hereinafter simply called "decision") is rendered. However, such an action may be brought in before the decision upon the petition is rendered, in case where three months have passed since the filing of the petition or there is apprehension that heavy damages may be caused pending the decision upon the petition or there is any other due reason.

Article 3. In the action as mentioned in the preceding Article, the administrative office which made the disposition shall be the defendant, except the cases specified by other laws.

Article 4. The action as mentioned in Article 2 shall be under the exclusive jurisdiction of the Court within whose district the administrative office, which is the defendant, is located.

Article 5. The action as mentioned in Article 2 must be brought in within six months from the day on which the party concerned became cognizant that the disposition was made.

The period as mentioned in the preceding paragraph shall be a peremptory term.

An action as mentioned in Article 2 cannot be brought if one year has passed from the day on which such disposition was made, provided that the party concerned did not make a showing (Somei) that he failed to bring the action within this period with due reason.

In case a petition was lodged against a disposition, the period as mentioned in the first paragraph shall be calculated from the day when the party concerned became cognizant that a decision was rendered upon the petition, and the period as mentioned in the preceding paragraph from the day when such decision was rendered.

The provisions of the first and third paragraphs are not applicable in cases as otherwise provided in other laws.

Article 6. The action as mentioned in Article 2 may be combined only with an action of claim for restitution, damage, or other claims which are related thereto (hereafter referred to as related claims).

In cases where the Court which has jurisdiction in the first instance over the action as mentioned in Article 2 is a High Court, it is necessary to get the consent of the defendant of the action brought in reference to related claims in order to combine the actions in accordance with the provisions of the preceding paragraph. When the defendant has made any pleading in respect to principal matters or made any statement in the preliminary proceedings, without giving objection, he shall be deemed to have given his consent to the combination of the actions.

Article 7. In cases where a plaintiff has brought an action as mentioned in Article 2 against an administrative office, mistaking it for another, he may, *lite pendente*, alter the defendant, provided that there was no wilful intention nor gross negligence on the part of the plaintiff.

When the defendant is altered under the provisions of the preceding paragraph, the action against the new defendant shall be deemed to have been brought in at the time when the criminal action has been brought, insofar as the term of bringing an action is concerned.

When the defendant is altered under the provisions of the first paragraph, the action against the old defendant shall be deemed to have been withdrawn.

Article 8. The Court may, if it deems necessary, cause, *ex officio* by a ruling, the administrative office or other third persons having interests in the result of the case, to intervene in the action.

The Court shall, before giving a ruling under the provisions of the preceding paragraph, hear the opinions of the parties and third persons.

Article 9. The Court may, *ex officio*, take evidence if it deems it necessary for the sake of public interest, provided that the opinions of the parties concerned shall be heard on the result of such taking of evidence.

Article 10. The execution of administrative dispositions shall not be suspended by reason of the bringing of the action as mentioned in Article 2.

When the Court admits urgent necessity to prevent the irreparable damages which may be caused by execution of such dispositions, in cases where an action as mentioned in Article 2 has been brought in, it may order, upon application of *ex officio*, by a ruling, the suspension of execution of dispositions. However, this shall not apply in case there is apprehension that the suspension of execution may inflict a material influence upon public interests or in case the Prime Minister raised an objection.

The objection in the preceding paragraph shall be made with the reason stated clearly.

The ruling as mentioned in the second paragraph may

be given without oral proceedings, provided that the opinions of the parties concerned must be heard previously

No complaint may be made against the ruling as mentioned in the second paragraph

The Court may, at any time, revoke the ruling as mentioned in the second paragraph

The provisions of the Code of Civil Procedure governing temporary disposition shall not apply to any disposition made by an Administrative Office

Article 11 In case the action as mentioned in Article [illegible] ceivable.

In the decision as prescribed in the preceding paragraph, the Court must indicate clearly that the disposition is illegal, as well as the reason to reject the claim

The provision mentioned in paragraph 1 shall not affect the claim for damage

Article 12 A final judgment for a particular case shall have a binding power over the administrative office involved in that case

Supplementary Provisions

The present law shall come into force as from the 15th of July, 1948

The present law shall apply also to any matter which has arisen prior to the coming into force of the present law, without prejudice, however, to any effect which has arisen under the Code of Civil Procedure and the Law No 75 of 1947

No law enacted prior to March 1, 1947, shall be deemed to be included in the "other laws" as mentioned in the fifth paragraph of Article 5, with respect to the application of the provisions of the said paragraph

The proviso of Article 8 of the Law No 75 of 1947 shall continue to apply to the term as mentioned therein which has begun before the enforcement of the present law

LAW AMENDING THE CODE OF CIVIL PROCEDURE
(Law No. 149, July 1, 1948)

Book I
General Provisions

Chapter I. Courts

Section I. Jurisdiction

Article 1. An action is subject to the jurisdiction of the Court situated at the place where the defendant has his general forum.

Article 2. The general forum of a person is determined by his domicile.

If there is no domicile in Japan or the domicile is unknown, the general forum is determined by the place of residence, or if there is no place of residence, or the place of residence is unknown, then by the last domicile.

Article 3. When an Ambassador or Minister, or any other Japanese who enjoys extraterritorial rights abroad, has no general forum under the provisions of the foregoing Article, his general forum shall be deemed to be situated in the place designated by the Supreme Court.

Article 4. The general forum of a juridical person (Hojin) or any other association (Shadan) or foundation (Zaidan) is determined by its principal office or principal place of business, or if there is no office or place of business, by the domicile of the principal person in charge of its affairs.

The general forum of the State (Kuni) is determined by the place (location) of the Government Office that represents the State in regard to the (particular) action.

In regard to the general forum of foreign associations (Shadan) and foundations (Zaidan), the provisions of paragraph 1 shall apply to the offices, places of business or persons in charge of the affairs of such concerns in Japan.

Article 5. An action upon a property right (Zaisanken) may be brought in the Court of the place where the liability is performable.

Article 6. An action upon a property right against a temporary sojourner (Kiryūsha) may be brought in the Court of the place of his temporary sojourn.

Article 7. An action upon a property right against a member of a ship's crew may be brought in the Court of the place of the registry of ship.

Article 8. An action upon a property right against a person not domiciled in Japan, or whose domicile is unknown, may be brought in the Court of the place where the subject matter of the claim, or the security therefor, or any property of the defendant that admits of being attached, is located.

Article 9. An action against a person possessed of an office or place of business may, insofar only as it concerns the affairs of such office or place of business, be brought in the Court at the place where the office or place of business is situated.

Article 10. An action concerning a ship or voyage against the shipowner, or against any other person utilizing the ship, may be brought in the Court of the place of her home port.

Article 11. An action based on a claim (an obligation) against a ship or any other claim (obligation) secured on a ship may be brought in the Court of the place where the ship is situated.

Article 12. An action of a company or any other association against a member (shareholder or partner), or of a member (shareholder or partner) against another (of the same), may, insofar only as it is based on his status as a member, be brought in the Court at the place where the general forum of the company or the other association is situated.

The provisions of the foregoing paragraph apply mutatis mutandis to actions of associations or foundations against their officers, or of companies against their promoters or examiners.

Article 13. An action of a creditor of a company or any other association against a member (shareholder or partner) may, insofar only as it is based on his status as a member, be brought in the Court specified in the foregoing Article.

Article 14. The provisions of Article 12 and of the foregoing Article apply mutatis mutandis to actions of associations, foundations, members (shareholders or partners) of associations or creditors of associations against persons who were members, officers, promoters or examiners, or of former members against members.

Article 15. An action relating to an "unlawful act" may be brought in the Court of the place where the act was committed.

An action for damages due to a collision of ships or any other casualty at sea may be brought in the Court of the place where the damaged ship first touched (after the casualty).

Article 16. An action relating to salvage may be brought in the Court of the place where the salvage was effected or the place where the salvaged ship first touched (after the salvage).

Article 17. An action relating to an immovable may be brought in the Court of the place where the immovable is situated.

Article 18. An action relating to a registration in a Court or some other public office ("toki" mata wa "tōroku") may be brought in the Court of the place where such registration is to be made.

Article 19. An action relating to a title to succession,

or a legal portion or legacy, or any other act that is to take effect by death, may be brought in the Court of the place where the *general forum of the ancestor (deceased)* was situated at the time of the commencement of succession

Article 20. Insofar as it does not come within the purview of the foregoing Article, an action relating to a claim (obligation) against the estate of a deceased, or an incumbrance upon the estate, may be brought in the Court specified in the foregoing Article, provided that the whole or a part of the estate is in the district of that Court

Article 21. In case several claims are made by means of one action, such action may be brought in any Court having jurisdiction over one of such claims under the provisions of Article 1 to the foregoing Article (inclusive)

Article 22. Where the jurisdiction over an action is *determined by the value of the subject matter of such* action in accordance with the provisions of the Court Organization Law, such value is calculated on the basis of the interest asserted by the action

Where the value referred to in the foregoing paragraph cannot be calculated, it shall be deemed to exceed five thousand (5,000) yen

Article 23 Where several claims are made by means of one action, their values are added together

In case a claim for fruits, compensation for damages, penalty for breach of contract, or expenses, is an incidental object of an action, the value thereof is not included in the calculation of the value of the subject matter of the action

Article 24 In the following cases the Court immediately superior alike to all the Courts concerned shall, on application, *decide by a rule which Court is competent*

1 If the competent Court is legally or actually unable to exercise jurisdiction,

2 If the competent Court is not determined because the jurisdictional districts of the Courts are not clear

No complaint may be made against a rule under the foregoing paragraph

Article 25 Insofar only as first instance is concerned, the parties may fix the competent Court by agreement

The agreement referred to in the foregoing paragraph shall not be valid unless it is made in writing relative to an action based on a specific legal relation

Article 26 When the defendant has not set up a plea of error of jurisdiction and has proceeded orally in the suit or made statements in preliminary proceedings in the *Court of first instance, the latter Court* shall have jurisdiction (over the action)

Article 27 The provisions of Article 1, Articles 5 to 21, Article 25 and the foregoing Article do not apply to actions for which exclusive jurisdiction is provided

Article 28 In regard to matters relating to jurisdiction, the Court may take evidence ex officio

Article 29 The jurisdiction of a Court is determined *on the basis (standard) of (the conditions at) the time of* the institution of the action

Article 30 When a Court finds that the whole or a part of an action does not come under its jurisdiction, it shall transfer such action to the competent Court by means of a rule

A District Court may, if it deems proper, even in case an action falls under the jurisdiction of a Summary Court within the district over which the said District Court has jurisdiction, try and adjudicate the whole or a part of such action for itself on application or ex officio, irrespectively of the provisions of the preceding paragraph, provided that this shall not apply in cases where, for such action, exclusive jurisdiction is prescribed

Article 31 Should it be found necessary to do so in order to avoid considerable damage or delay in regard to *an action over which it has jurisdiction*, a Court may, either on application or ex officio, transfer, by a rule, the whole or a part of the action to another competent Court, unless such action comes under its exclusive jurisdiction

Article 31-2 A Summary Court may, if it deems proper, even in case an action falls under the jurisdiction thereof, except when the jurisdiction is exclusive, transfer the whole or a part of such action, on application or ex officio, to the District Court having jurisdiction over the district where the said summary court is situated

Article 32 Decision of transfer shall be binding on the Court in receipt of the transfer

The Court to which a case has been transferred may not re-transfer the case to another Court

Article 33 Immediate complaint may be made against *a decision of transfer* and *a decision by which an application* for transfer has been dismissed

Article 34 When the decision of transfer has become irrevocable, the action shall be deemed to have been pending ab initio in the Court to which it has been transferred

In the case of the foregoing paragraph, the Clerk of the Court which has given the decision of transfer must attach an exemplification of the said decision to the record of the case, and forward same to the Clerk of the Court to which the transfer has been made

Section II. Exclusion, Refusal and Refrainment of Officers of the Court

Article 35 A Judge is excluded from the exercise of his functions by operation of law.

1 If the Judge or his spouse or former spouse is a party to the case or is related to a party in the case as a co-creditor, co-debtor or a person bound to pay on recourse;

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Article 30 When a Court finds that the whole or a part of an action does not come under its jurisdiction, it shall transfer such action to the competent Court by means of a rule

A District Court may, if it deems proper, even in case an action falls under the jurisdiction of a Summary Court within the district over which the said District Court has jurisdiction, try and adjudicate the whole or a part of such action for itself on application or ex officio, irrespectively of the provisions of the preceding paragraph, provided that this shall not apply in cases where, for such action, exclusive jurisdiction is prescribed.

Article 31 Should it be found necessary to do so in order to avoid considerable damage or delay in regard to an action over which it has jurisdiction, a Court may, either on application or ex officio, transfer, by a rule, the whole or a part of the action to another competent Court, unless such action comes under its exclusive jurisdiction

Article 31-2 A Summary Court may, if it deems proper, even in case an action falls under the jurisdiction thereof, except when the jurisdiction is exclusive, transfer the whole or a part of such action, on application or ex officio, to the District Court having jurisdiction over the district where the said summary court is situated

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The Court to which a case has been transferred may not re-transfer the case to another Court

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In the case of the foregoing paragraph, the Clerk of the Court which has given the decision of transfer must attach an exemplification of the said decision to the record of the case, and forward same to the Clerk of the Court to which the transfer has been made

Section II. Exclusion, Refusal and Refrainment of Officers of the Court

Article 35 A Judge is excluded from the exercise of his functions by operation of law

1 If the Judge or his spouse or former spouse is a party to the case or is related to a party in the case as a co-creditor, co-debtor or a person bound to pay on recourse,

2 If the Judge is or was a blood relation within the fourth degree of relationship, a relation by affinity

within the third degree of relationship of a party or a relative with whom a party resides;

3. If the Judge is the guardian, supervisor of guardianship, or the curator of a party;

4. If the Judge has acted as a witness or an expert witness in the case;

5. If the Judge is, or was, attorney for, or an assistant (hosanin) to, a party in the case;

6. If the Judge has participated in an arbitration award in the case or participated in the decision a previous instance attached; but this shall be without prejudice to the exercise of his functions as a Requisitioned Judge on the requisition of another Court.

Article 36. Where there is a cause for exclusion, the Court shall give a decision of exclusion either on application or ex officio.

Article 37. If there are circumstances concerning a Judge such as are calculated to prejudice the impartiality of decision, the parties may refuse him.

If a party has entered upon debates or made a statement in preliminary proceedings in the presence of a Judge, such Judge cannot be refused, except for a cause of refusal that has arisen subsequent thereto, or the existence of which was unknown to the party at the time.

Article 38. Applications under the provisions of Article 36 or of the foregoing Article must disclose the cause, and must be made to the Court to which the Judge belongs. The cause of exclusion or refusal must be made credible within three (3) days from the day of the application. The same shall apply to the fact referred to in the proviso of paragraph 2 of the foregoing Article.

Article 39. Exclusion or refusal of a Judge who is a member of a collegiate court and that of a Judge sitting alone of a District Court shall be decided by the Court to which he belongs, and that of a Judge of a Summary Court by the District Court having jurisdiction over the district where the said Summary Court is situated, always by means of a rule.

The decisions mentioned in the preceding paragraph shall be made in the collegiate court, in cases where they are made by a District Court.

Article 40. No Judge may participate in a decision relating to his own exclusion or refusal, but he may express an opinion.

Article 41. No objection may be raised to a rule in favour of exclusion of refusal. Immediate complaint may, however, be made against a rule against exclusion or refusal.

Article 42. When an application for (a decision of) exclusion or refusal is made, the proceedings must be stayed until the decision on such application has become irrevocable; but this does not apply to such acts as may need urgent attention.

Article 43. In the case specified in Article 35 or Article 37, paragraph 1, a Judge may, with the permission of the Court which has the right of supervision, refrain from acting.

Article 44. The provisions of this Section shall apply mutatis mutandis to Court Clerks. In this case the decision shall be made by the Court to which the Clerk is attached, and the permission which may be granted for the refrainment of a Clerk of a Summary Court shall be given by the Judge of the said Court who is mentioned in Article 37 of the Court Organization Law.

Chapter II. Parties

Section I. Capacity of Parties and Litigation Capacity

Article 45. Unless otherwise specially provided in this Code, the capacity for being parties, capacity for acts of procedure and the legal representation of persons without capacity for acts of procedure are governed by the provisions of the Civil Code and other laws and ordinances. The same applies to the investment of powers necessary for doing acts of procedure.

Article 46. An association or foundation which is not a juridical person, but which is provided with a representative or administrator, may sue or be sued in its name.

Article 47. A plurality of parties having a joint interest other than coming under the provisions of the preceding Article, may appoint one or more persons who is or are to be plaintiff (s) or defendant (s) for the entire body, or alter such appointment.

In case a person (persons) to be plaintiff (s) or defendant (s) has (have) been appointed under the provisions of the foregoing paragraph subsequent to the pendency of the action, the other person (persons) withdraws (withdraw) from the action by operation of law.

Article 48. If any of the persons appointed under the provisions of the foregoing Article have lost their capacity as such by death or from any other cause, the remaining person (persons) may do acts of procedure for the entire body.

Article 49. Minors or incompetent persons may do acts of procedure only through their legal representatives, except minors who are empowered to do juristic acts by themselves (independently).

Article 50. A quasi-incompetent person or legal representative may, without the consent of the curator or of the supervisor of a guardian or any other authorization, do acts of procedure in regard to an action or recourse instituted by the other party.

Without special authorization to that effect, a quasi-incompetent person or legal representative may not withdraw an action or appeal or reappeal, effect a compromise, abandon or acknowledge a claim or effect a withdrawal under Article 72 hereof.

Article 51. An alien even though he has no capacity

for acts of procedure under the law of his own country, is deemed to have such capacity if he is possessed of that capacity under Japanese law

Article 52 The right of legal representation or authorization necessary for doing acts of procedure must be attested by documents The same shall apply to the appointment of persons under the provisions of Article 47 and alterations therein

The documents mentioned in the foregoing paragraph shall be attached to the record of the case

Article 53 Should there be any defect in the capacity for acts of procedure, right of legal representation or authorization necessary for doing acts of procedure, the Court may order it to be made good within a period of time to be fixed by itself, and if there is danger of damage being caused by a delay, permit acts of procedure to be done pro tempore

Article 54 Acts of procedure done by a person who is defective in his capacity for acts of procedure, in his right as legal representative or in authority necessary for doing acts of procedure, take effect retroactively as from the time of the act on their being ratified by such person or legal representative after such defect has ceased to exist

Article 55 The provisions of Article 53 and of the foregoing Article apply mutatis mutandis when acts of procedure are done by parties under the provisions of Article 47.

Article 56 Any person who desires to do acts of procedure against a minor or an incompetent person when there is no legal representative, or when the legal representative is unable to exercise his right of representation, may apply to the Presiding Judge of the Court of the suit for the appointment of a special representative on rendering credible the fact that there is danger of damage being caused by delay

The Court may at any time replace (change) the special representative

In order to do acts of procedure, the special representative must have the same authorization as a guardian

Orders by which a special representative is appointed or replaced (changed) must also be served on the special representative

Article 57. The termination of the right of legal representation does not take effect (is not valid) unless notice of the fact is given by the principal or representative to the other party

The provision of the foregoing paragraph applies mutatis mutandis to any change in parties under the provisions of Article 47

Article 58 The provisions of this Code relating to legal representation and legal representatives apply mutatis mutandis to the representatives of juridical persons and to the representatives or administrators of associations or foundations which without being juridical persons can sue or be sued in their names

Section II Co-Litigants

Article 59 If the rights or liabilities which are the subject of an action are common to two or more persons, or are based on the same ground in fact and in law, such several persons may sue or be sued as co-litigants The same applies when the rights or liabilities which are the subject of an action are of the same kind and based on the same kind of ground in fact and in law

Article 60 A person who claims for himself the whole or a part of the subject of an action between others may, during the pendency of such action, bring an action in the Court of the suit of first instance against both parties as co-defendants

Article 61 Acts done by one of the co-litigants, acts done by the other party against him, and facts arising in regard to one of them (the co-litigants) do not affect the other co-litigants

Article 62 Where the subject of an action is to be confirmed conjointly only in respect of the entire body of the co-litigants, the acts of one of them shall take effect in favour of the entire body only

The acts of the other party to one of the co-litigants take effect for or against all of them

Should there be any cause for interruption or stay of proceedings in regard to one of the co-litigants, such interruption or stay takes effect in regard to all the co-litigants

Article 63 The provisions of Article 50, paragraph 1, apply mutatis mutandis to the acts of procedure to be done by the other co-litigants in respect of a recourse instituted by one of the co-litigants in the case of paragraph 1 of the foregoing Article

Section III Intervention

Article 64 A third person interested in the result of an action may, during the pendency of such action, intervene in the action in order to assist either party.

Article 65 An intimation of intervention must be made to the Court where acts of procedure are to be done by reason of such intervention, stating the gist and grounds of the intervention

In case an intimation of intervention has been made by a writing, such writing must be served on both parties

An intimation of intervention may be made together with acts of procedure that can be done as an intervener.

Article 66 Should the parties object intervention, the ground of intervention must be made credible. In this case the Court decides by means of a rule whether the intervention is, or is not, admissible

Immediate complaint may be made against the decision under the foregoing paragraph

Article 67. If a party proceeds orally (pleads orally) or makes a statement in preliminary proceedings without expressing any objection, he loses his right to object.

Article 68 Even when the intervention has [illegible]

objected to, the intervener may do acts of procedure so long as decision against the intervention has not become irrevocable.

Even when decision against the intervention has become irrevocable, the acts of procedure (previously) done by the intervener are valid if they have been cited by the parties.

Article 69. An intervener may produce means of attack and of defense, raise objections, institute recourses and do all other acts of procedure in regard to the action except such acts as cannot be done at the stage of the action at the time of intervention.

Acts of an intervener are void if they are inconsistent with the acts of the person in whose favour he has intervened.

Article 70. Decision is binding on the intervener also except where, by virtue of the provisions of the foregoing Article, the intervener was not empowered to do acts of procedure or his acts of procedure were void, or the person in whose favour the intervention has been made has impeded the acts of procedure of the intervener, or omitted, by bad faith or by negligence, to do such acts of procedure as the intervener was debarred from doing.

Article 71. Any third person who claims that his rights are liable to be injured as a result of an action, or that the whole or a part of the subject of an action is a right belonging to him, may intervene in the action as a party. In this case the provisions of Articles 62 and 65 apply mutatis mutandis.

Article 72. In case a person intervenes in an action in order to assert his right under the provisions of the foregoing Article, the plaintiff or defendant may, prior to the intervention, withdraw from the action with the consent of the other party, but the judgment is also binding upon the party who has so withdrawn.

Article 73. When a person intervenes in an action in accordance with the provisions of Article 71, claiming that he has had the whole or a part of the right constituting the subject of the action assigned to him during the pendency of the action, such intervention has the effect of interrupting prescription or fulfilling a legal term retroactively from the beginning of the pendency of the action.

Article 74. In case a third person has, during the pendency of an action, succeeded to the obligation (liability) which is the subject of the action, the Court may, on the application of either party, require such third person to take over the action.

Prior to rendering a rule under the provisions of the foregoing paragraph, the Court shall examine the parties and third person.

The provisions of Article 72 relating to withdrawal and the effect of judgment apply mutatis mutandis where the action has been taken over under the provisions of paragraph 1.

Article 75. Where the subject of an action is to be confirmed only conjointly in respect of either of the parties and a third person, such third person may intervene in the action as a co-litigant. In this case the provisions of Article 65 apply mutatis mutandis.

Article 76. The parties to an action may give notice of the action to the third person who is authorized to intervene during its pendency. The person who has received notice of the action may in his turn give notice of the same action (to others).

Article 77. Notice of the action must be given by filing in the Court a paper containing the reason and the stage of the action.

The paper mentioned in the foregoing paragraph must also be served on the other party.

Article 78. In regard to the application of Article 70 the person who has received notice of the action is deemed to have intervened at the time when he could have done so, even though, as a matter of fact, he did not intervene.

Section IV. Process-Attorneys and Assistants

Article 79. With the exception of representatives who according to the provisions of laws and ordinances may do acts in Court, no person other than an advocate (bengoshi) may act as a process-attorney. In the case of a Summary Court, however, even a person other than an advocate may be appointed process-attorney with the permission of the Court.

The permission granted under the foregoing paragraph may at any time be cancelled.

Article 80. The powers of a process-attorney must be evidenced by a writing.

If the writing mentioned in the foregoing paragraph is a document signed by a private person, the Court may order the process-attorney to get it authenticated by a competent official.

The provisions of the foregoing two paragraphs do not apply where a party has appointed his process-attorney orally, and the Court Clerk has entered such oral appointment in the protocol.

Article 81. A process-attorney may, in regard to the matter delegated to him, do acts of procedure relating to cross-action, intervention, compulsory execution, provisional attachment and provisional disposition, and receive payment.

Special authorization is required for doing the following acts:

1. Institution of a cross-action;
2. Withdrawal of the action, compromise, waiver or admission of the claim or withdrawal under the provisions of Article 72;
3. Appeal, re-appeal or withdraw thereof;
4. Appointment of an attorney.

No limitation may be imposed on the authority of a process-attorney except where the latter is a person other than an advocate (bengoshi).

Article 82 The provisions of the foregoing Article shall be without prejudice to the powers of representatives authorized by the provisions of laws and ordinances to do acts in Court

Article 83 Where there are several process-attorneys, each of them represents the principal severally

Even though the parties may make an arrangement inconsistent with the provisions of the foregoing paragraph such arrangement shall be void and of no effect

Article 84 No statement of a process-attorney relating to facts takes effect when it is immediately cancelled or rectified by the principal

Article 85 The authority of a process-attorney is not terminated by the death or loss of capacity for acts of procedure of the principal, the termination by consolidation of the juridical person which is his principal, the conclusion of the duties under trust of the trustee who is his principal, the death or loss of capacity for acts or procedure of the legal representative who is his principal, or the termination of or alteration in the latter's right of representation

Article 86 The authority of a process-attorney for a person who holds a certain capacity (quality), in virtue of which he is a party to an action in his name but on account of another person, is not terminated by reason of the loss of such capacity on the part of his principal

The provisions of the foregoing paragraph apply mutatis mutandis where a person who has been appointed to be plaintiff or defendant on behalf of the whole body of persons in accordance with the provisions of Article 47 has lost his capacity as such

Article 87 The provisions of Article 52, paragraph 2, Articles 53, 54 and 57 apply mutatis mutandis to representation in the conduct of actions

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Chapter III Costs

Section I Incidence of Costs

Article 89 The cost of the suit shall be borne by the party defeated

Article 90 According to circumstances the Court may charge to the winning party the whole or a part of the costs arising from acts not essential to the assertion or defense of his rights or of the costs arising from such acts as were essential to the assertion or defense of the adversary's rights at the particular stage of the action

Article 91 If proceedings were delayed through the failure of either party to produce means of attack or defense in good time or to observe an appointed time or term or otherwise through a cause imputable to him, the Court may charge to him, even when he has won the suit, the whole or a part of the costs entailed by reason of such delay

Article 92 In case of a partial defeat, the costs of the suit to be borne by each party shall be fixed at the discretion of the Court According to circumstances, however, the Court may charge the whole of the costs to either of the parties

Article 93 Co-litigants shall bear the costs of the suit in equal proportions, but, according to circumstances, the Court may require the co-litigants to bear the costs jointly and severally, or to bear them in some other way

Despite the provisions of the foregoing paragraph, the Court may charge to the party who has done acts not essential to the assertion or defense of a right the costs occasioned by such acts

Article 94. In case a party has objected to intervention, the provisions of the foregoing five Articles apply mutatis mutandis in regard to the incidence of the costs occasioned by such objection as between the intervener and the party objecting The same applies to the incidence of the costs occasioned by the intervention as between the intervener and the adversary

Article 95 In a decision by which a case is terminated the Court must ex officio decide on the whole of the costs of the suit in the particular instance According to circumstances, however, a decision relating to a part of the case or an interlocutory dispute may decide on the costs of such part or dispute

Article 96 When a higher Court alters the decision on the suit, decision shall be given in regard to all the costs of the suit

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Article 97. In case a compromise has been effected by the parties in Court without making special arrangement concerning the incidence of the costs of the compromise and the costs of the suit, each party shall bear such part of those costs as has been actually disbursed by him

[illegible] representative, a process [illegible]

[illegible]

[illegible] of the suit may, on application or ex officio, order him by means of a rule to reimburse such costs

In case a person who has done acts of procedure as a legal representative or process-attorney can neither prove his right of representation, nor prove that he is authorized to do such acts of procedure, nor is able to get them

objected to, the intervener may do acts of procedure so long as decision against the intervention has not become irrevocable.

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The same applies where the Court to which a case has been referred back or transferred gives a decision by which the case is terminated

Article 97 In case a compromise has been effected by the parties in Court without making special arrangement concerning the incidence of the costs of the compromise and the costs of the suit, each party shall bear such part of those costs as has been actually disbursed by him

Article 98 Should a legal representative, a process-attorney, a Court Clerk or a bailiff have in bad faith or by gross negligence, caused unnecessary costs, the Court of the suit may, on application or ex officio, order him by means of a rule to reimburse such costs

In case a person who has done acts of procedure as a legal representative or process-attorney [illegible] his right of representation, [illegible] ized to do such acts of procedure, [illegible]

ratified, the provisions of the foregoing paragraph apply mutatis mutandis to the costs of the suit occasioned by those acts of procedure. Immediate complaint may be made against rulings under the foregoing two paragraphs.

Article 99. If the Court dismisses the action in the case mentioned in paragraph 2 of the foregoing Article, the costs of the suit shall be charged to the person who has done acts of procedure as representative or attorney.

Article 100. If the Court does not fix the amount in a decision by which the incidence of the costs of the suit is fixed, the Court of the suit in first instance shall, on application, after the decision has become executable, fix the same by means of a rule.

To an application for the fixing of the amount of costs of the suit must be annexed a statement of costs and a copy thereof as well as papers required for rendering credible the amount of costs.

Immediate complaint may be made against the rule under paragraph 1.

Article 101. Prior to giving a rule by which the amount of the costs of the suit is fixed, the Court must deliver the copy of the statement of account to the other party and call upon him to express an opinion thereon as well as to file a statement of costs and papers required for making credible the amount of costs within a fixed period.

Should the other party fail to file in time the papers specified in the foregoing paragraph, the Court may render a decision in regard to the costs incurred by the applicant only, without prejudice, however, to the other party's right to apply for the determination of the amount of costs incurred by him.

Article 102. Apart from the case mentioned in paragraph 2 of the preceding Article, when the Court renders a decision by which the amount of the costs of the suit is fixed, the expenses charged to the several parties are deemed to cancel each other by set-off insofar as the corresponding amount is concerned.

Article 103. If in the case of Article 97 the parties have fixed the incidence of the costs of the suit but not the amount, the Court must, on application, fix the amount by means of a rule. In this case the provisions of Article 100, paragraphs 2 and 3, Article 101 and foregoing Article apply mutatis mutandis.

Article 104. Excepting the case of the foregoing Article, if an action has been terminated otherwise than by decision, the Court must, on application, fix the amount of costs of the suit and order same to be paid. The same applies when an intervention or an objection thereto has been withdrawn.

The provisions of Articles 89 to 94, Article 100, paragraphs 2 and 3, Articles 101 and 102 apply mutatis mutandis in the case of the foregoing paragraph.

Article 105. The Court may require a Court Clerk to calculate the amount of costs of the suit.

Article 106. In regard to acts involving costs, the Court may require the party concerned to pay such costs in advance.

If the party does not pay the costs in advance in compliance with the order of the Court, then the Court may refuse to do the acts mentioned in the foregoing paragraph.

Section II. Security for Costs

Article 107. If the plaintiff has no domicile, office or place of business in Japan, the Court must, on the application of the defendant, order the plaintiff to furnish security for the costs of the suit. The same applies when the security has become deficient.

The provisions of the foregoing paragraph do not apply where a part of the claim is undisputed and it is of such value as to constitute sufficient security.

Article 108. If the defendant, knowing that there is a cause for which security should be furnished, has proceeded orally in the suit, or made a statement in preliminary proceedings, he may no longer apply for security.

Article 109. A defendant who has applied for security may refuse to respond to the action until the plaintiff has furnished such security.

Article 110. In a rule ordering security to be furnished, the Court must fix the amount of such security and the period within which it is to be furnished.

The amount of security is fixed on the basis of the total amount of costs likely to be disbursed by the defendant in each particular instance.

Article 111. Immediate complaint may be made against a decision relating to an application for security.

Article 112. Security must be furnished by depositing (with the competent Deposit Office) money or such negotiable securities as may be deemed appropriate by the Court; but if the parties have made a different contract, such contract governs.

Article 113. As regards the costs of the suit, the defendant has the same right as a pledgee on the money or negotiable securities deposited in accordance with the provisions of the foregoing Article.

Article 114. Should the plaintiff fail to furnish security within the period within which it should be furnished, the Court may, by means of a judgment, dismiss the action without prior oral proceedings, unless security be furnished prior to such judgment.

In case the Court dismisses an action by a judgment without oral proceedings according to the provisions of the preceding paragraph, it must examine the plaintiff before giving such judgment.

Article 115. Should the person who has furnished security show that there is no longer any cause for retaining it, the Court must, on application, render a rule for the cancellation of such security.

The foregoing paragraph applies also when the person who has furnished security shows that he has obtained

the consent of the person entitled to security to the cancellation of same.

In case the Court has, after the completion of the action and on the application of the person who has furnished security, called upon the person entitled to security to exercise his right (on the security) within a fixed period of time without his exercising the right accordingly, the person entitled to security is deemed to have consented to the cancellation of security

Immediate complaint may be made against the rules [illegible] tion of [illegible] means of a rule, the substitution of another security for the security deposited

The provisions of the foregoing paragraph are without prejudice to the substitution by contract of another security for the security deposited

Article 117 The provisions of Article 109, Article 110, paragraph 1, and Article 111 to the preceding Article, apply *mutatis mutandis* where security is to be furnished by other laws or ordinances in regard to the institution of an action

Section III. Succour in Litigation

Article 118 The Court may, on the application of a party who has no means to defray the costs of the suit, grant succour in litigation, but this only when there is some prospect of his winning the case

Article 119 Succour in litigation is granted in respect of each instance

The cause for succour must be made credible

Article 120 In regard to the action and compulsory execution, succour in litigation has the following effects

1 Temporary release from the payment of the c
of the suit,

2 Temporary release from the payment of the
and disbursements of the bailiff and of the advo
whom the Court has ordered to attend the party,

3 Release from the liability to furnish secu
for the costs of the suit

Article 121 Succour in litigation is effective onl
favour of the person who has obtained it

The Court orders the successor to the action to
the costs of the suit regarding which temporary rel
has been granted

Article 122. When a person who has received suc
in litigation turns out to possess, or has come to pos
means to pay the costs, the Court where the re
of the case exists may, either on the application of
person interested or ex officio, at any time cancel
succour and order the payment of the costs of the
respecting which temporary release has been gran

Article 123. The costs respecting the paymen
which temporary release has been granted in fa
of the person who has received succour in litiga
may be collected direct from the other party w
they have been charged to him In this case
advocate or bailiff may, in respect of his fees and
bursement, make an application for the determina
of the amount of costs and levy compulsory execu
by virtue of the title of debt possessed by the pe
who has received succour in litigation

The advocate or bailiff may in regard to his fees,
disbursements, apply in place of the party concer
for the decision under Article 103 or 104

Article 124 Immediate complaint may be m
against the decision specified in this section

Chapter IV Procedure

Section I Oral Proceedings

Article 125 Parties to actions must orally debate the actions in Court, but with regard to cases which are to be concluded by a rule, the Court determines whether or not oral proceedings are to be held

Where, in accordance with the proviso of the foregoing paragraph, no oral proceedings are held, the Court may examine the parties

The provisions of the foregoing two paragraphs do not apply where there is a special provision of the contrary.

Article 126 Oral proceedings are directed by the Presiding Judge

The Presiding Judge may permit speech, or prohibit persons who do not comply with his orders from speaking.

Article 127 In order to make clear (elucidate) the relations involved in the action, the Presiding Judge may question the parties on matters of facts and po
of law, or may require them to furnish evidence.

The Associate Judges may adopt the measures sp
fied in the foregoing paragraph after informing
Presiding Judge (of their intention to do so).

The parties may request the Presiding Judge to
any necessary questions

Article 128 The Presiding Judge may indicate
matters (points) which the parties are to be requ
to elucidate in accordance with the provisions of
foregoing Article, and may order them to make prep
tions prior to the date for hearing

Article 129 Should the parties object to any o
of the Presiding Judge relating to the direction of
oral proceedings, or to any measure taken by the
siding Judge or the Associate Judge under the
visions of Article 127 or of the foregoing Article,
Court shall decide such objection by means of a rul

Article 130. When a Commissioned Judge is to be required to perform his functions, the Presiding Judge shall nominate such Judge.

Requisitions to be made by the Court shall, unless otherwise provided, be made by the Presiding Judge.

Article 131. In order to make clear (elucidate) the relations involved in the action, the Court may adopt the following measures;

1. Order the appearance of the parties themselves or their legal representatives;

2. Order the production of the papers (documents) involved in the action, or of writings (documents) or other things (objects) referred to in the action and which are in the hands of the parties;

3. Detain in the Court writings (documents) and other things (objects) produced by the parties or third persons;

4. Inspect evidence on the spot or order expert opinions to be submitted;

5. Requisition necessary investigations.

The provisions relating to the examination of evidence apply mutatis mutandis to the inspection of evidence on the spot, expert opinion, and requisition of investigations under the provisions of the foregoing paragraph.

Article 132. The Court may order a limitation, separation or combination of oral proceedings, or may cancel such order.

Article 133. The Court may order the re-opening of oral proceedings which have been closed.

Article 134. If any party participating in oral proceedings is not acquainted with the Japanese language or is deaf or dumb, an interpreter must be caused to be present; but deaf or dumb persons may be questioned, or be allowed to testify, in writing.

The provisions relating to experts apply mutatis mutandis to interpreters.

Article 135. The Court may prohibit the speech of parties, attorneys or assistants who are unable to deliver such speech as may be necessary for the elucidation of the relations involved in the action and adjourn the proceedings to a newly fixed date.

Should it be necessary to do so where speech has been forbidden under the provisions of the foregoing paragraph, the Court may order the attendance of an advocate.

In case the speech of a process-attorney has been forbidden or the attendance of an advocate ordered, the principal must be notified of the fact.

Article 136. At whatever stage the action may be, the Court may endeavor to effect a compromise, or require a Commissioned Judge or Requisitioned Judge to do so.

The Court or a Commissioned Judge or Requisitioned Judge may order the parties themselves, or their legal representatives, to appear with a view to arranging a compromise.

Article 137. Unless otherwise provided, means of attack or defense may be produced up to the conclusion of oral proceedings.

Article 138. If the plaintiff or defendant does not appear, or appears but does not enter upon the debates (plead) on the suit on the date for the first hearing, the particulars written in the petition or answer and other preliminary documents produced by such party may be deemed to have been orally stated, and the other party who has appeared directed to debate (plead).

Article 139. Any means of attack or defense tardily produced (produced behind time) by either party in bad faith or by gross negligence may be rejected by the Court by means of a rule either on application or ex officio, provided that it is deemed calculated to delay the conclusion of the action.

The foregoing paragraph applies also where a party fails to give necessary explanations regarding means of attack or defense the meaning of which is not clear, or does not appear on the date on which such explanation is due.

Article 140. If a party does not distinctly dispute a fact asserted by the other party in the course of oral proceedings, he is deemed to have confessed to the fact, unless in view of the the general trend of the debates the fact is to be deemed to have been disputed.

A party who has professed ignorance in regard to a fact asserted by the other party is presumed to have disputed such fact.

The provisions of the first paragraph shall apply mutatis mutandis in cases where a party has failed to appear on the day assigned for oral proceedings. This shall not apply, however, in case the party has been summoned by means of service by publication.

Article 141. If a party does not object without delay where he knows, or ought to have known, that there has been a breach of the provisions relating to procedure, he forfeits his right to object, unless it be a right such as cannot be waived.

Article 142. With regard to oral proceedings, the Court Clerk must draw up a protocol in respect of each date for hearing.

Article 143. The protocol must contain the following particulars and be signed and sealed by the Presiding Judge and the Court Clerk. If the Presiding Judge is prevented from so doing, it must be signed and sealed by one of the Associate Judges, and an entry of the fact and the reasons must be made; and if all the Judges are prevented from acting, it shall suffice for the Clerk to make an entry to that effect:

1. Designation of the case;

2. Names of the Judges and the Court Clerk;

3. Name of the Procurator present;

4. Names of the parties, attorneys, assistants and interpreter present, and of the parties absent;

5. The place where, and the date on which, oral proceedings were held;

6. A statement that the oral proceedings were held in public, or, if they were held in camera, the reason thereof.

Article 144. The protocol must describe the gist of the oral proceedings. In particular, it must make clear the following details:

1 Compromise, acknowledgment, waiver, withdrawal and confession,

2. The oaths and testimony of witnesses and expert witnesses,

3. Result of inspection of evidence on the spot,

4 Particulars which the Presiding Judge has ordered to be entered or the entry of which has been permitted on the application of the parties,

5 Decisions rendered otherwise than in writing,

6 Pronouncement of the decision

Article 145 Documents and photographs, or any other things that may be deemed suitable by the Court, may be cited in the protocol, annexed to the record of the case, and made part of the protocol

Article 146 The entries in the protocol must, on application, be read aloud to, or submitted to the perusal of, the parties interested in the Court-room In such case an entry to that effect must be made in the protocol

Should any person interested object to the entries in a protocol, the gist of his objections must be entered in the protocol

Article 147 Compliance with the provisions relating to the formalities of oral proceedings can only be proved by means of the protocol except where the latter has been lost or destroyed

Article 148 Should the Court deem it necessary so to do, it may, either on application or ex officio, require a stenographer to take down the whole or a part of the statements in oral proceedings

Article 149 The provisions of Article 142 to the preceding Article (both inclusive) apply mutatis mutandis to the examination and questioning by the Court or the examination of persons and the taking of evidence by Commissioned Judges or Requisitioned Judges

Article 150 Except as otherwise provided, applications and other statements under the provisions of this Code may be made either in writing or orally

Oral statements must be made in the presence of the Court Clerk

In the case of the foregoing paragraph the Clerk must draw up a protocol under his signature and seal

Article 151. Any person may apply to a Court Clerk for the perusal of the record of a case, provided that it does not prevent the Court from preserving the record or from discharging duties

With reference to the record of the case involving oral proceedings whose hearing was closed to public, only the parties and third persons who have shown the relation of interests may make the application referred to in the preceding paragraph.

The parties may apply to the Court for permission to copy the record of the case, or for the grant of an exemplification, a copy or an extract of or from it, or of a certificate concerning matters relating to the action. The same also applies to third parties who have rendered their interest therein credible

In an exemplification, a copy or an extract of or from the record of the case, the fact of it being an exemplification, copy, or extract must be stated, and it must bear the signature and seal of the Clerk and the seal of the Court

Section II Dates and Terms

Article 152 Dates (for proceedings) are fixed by the Presiding Judge

The date on which an examination is to be made by a Commissioned Judge or a Requisitioned Judge is fixed by such Judge

The designation of a date is made either on application or ex officio

A change in the date of the first hearing in oral proceedings is permissible subject to the agreement of the parties even though no patent cause exists The same applies also to a change in the date of the first hearing in preliminary proceedings

Article 153 Only under unavoidable circumstances may a date be put down for a Sunday or any other general holiday

Article 154 Summons for a date is made by serving a writ of summons, but in the case of persons who have appeared respecting the particular case it is sufficient to notify them of the date

Article 155 A date commences on the case being called up

Article 156 The calculation of a term is governed by the provisions of the Civil Code

Should the last day of a term fall on a Sunday or any other general holiday, the term matures on the following day

Article 157 If the time of commencement is not fixed by a decision by which a term is designated, the term begins to run when the decision takes effect

Article 158 The Court may extend or reduce a legal term or a term fixed by itself, but not a peremptory term.

In regard to a peremptory term, the Court may fix a supplementary term in favour of persons domiciled or resident in a distant place

The Presiding Judge, a Commissioned Judge, or a Requisitioned Judge, may extend or reduce any term fixed by himself

Article 159 In case a party has been unable to observe a peremptory term for a cause not imputable to himself, he may subsequently complete the act of procedure in respect to which default was made, but this only within one (1) week after the cessation of such cause

The provisions of the foregoing Article do not apply to this term.

Section III. Service

Article 160. In the absence of special provisions to the contrary, service is effected ex officio.

Article 161. Business relating to service is transacted by the Court Clerk.

With regard to the transaction of business under the foregoing paragraph, the Clerk of the District Court having jurisdiction over the place of service may be requisitioned.

Article 162. Service is effected by means of a bailiff or through the post.

In regard to service through the post, a postman constitutes an official effecting service.

Article 163. On persons who have appeared in respect of the particular case the Court Clerk may effect service in person.

Article 164. Except as otherwise provided, service is effected by delivering a copy of the document to be served to the person on whom it is to be served.

In case a protocol has been drawn up in lieu of the production of a document to be served, service is effected by delivering a copy of, or an extract from, the said protocol.

Article 165. Service on a person who has no capacity to do acts of procedure is effected upon his legal representative.

Article 166. Where several persons are to exercise the right of representation conjointly, it suffices to effect service upon any one of them.

Article 167. (Deleted.)

Article 168. Service upon a person in prison is effected on the governor of the prison.

Article 169. Service is effected at the domicile, place of residence, place of business or office of the person on whom it is to be made; but service on a legal representative may also be made at the place of business or office of the principal (the party whose legal representative he is).

On a person respecting whom it is uncertain whether or not he has a domicile, residence, place of business or office in Japan, service may be effected at any place he may be met with. The same applies even to a person who has a domicile, residence, place of business or office if he does not refuse to receive such service.

Article 170. If a party or his legal representative, or process-attorney has no domicile, residence, place of business or office at the place of the Court of the suit, he must designate and notify a place and person, at the place of that Court, where and by whom service is to be received.

If a person on whom service is to be made does not give notice under the foregoing paragraph, the papers to be served on such person may be dispatched by registered post to the place where service is to be made in accordance with the provisions of paragraph 1 of the foregoing Article.

Notice under paragraph 1 may be given even when the person on whom service is to be made has a domicile, residence, place of business or office at the place of the Court of the suit.

Article 171. If the person on whom service is to be made is not found at such place, the papers may be delivered to a clerk, an employee, or an inmate of the same house who has sufficient intellect to discriminate (comprehend) things.

When the persons mentioned in the preceding paragraph, and others who should receive delivery of documents, have, without just cause (good reason), refused acceptance, such documents may be left at the place where service is to be effected.

Article 172. Where service cannot be effected in accordance with the provisions of the foregoing Article, the Court Clerk may dispatch the papers through the post under registered cover.

Article 173. When papers have been dispatched through the post in accordance with the provisions of Article 170, paragraph 2, or of the foregoing Article, they are deemed to have been served at the time when they were dispatched.

Article 174. In order to effect service by means of a bailiff on a Sunday or any other general holiday, or before sunrise or after sunset, the permission of the Presiding Judge must be obtained.

When permission under the foregoing paragraph has been obtained, the Court Clerk must make an additional note to that effect on the paper to be served.

Service effected contrary to the provisions of the foregoing two paragraphs are valid only when the person to whom the papers are to be delivered has received them.

Article 175. Service to be effected in a foreign country is effected by the Presiding Judge entrusting the matter to the competent authorization of that country, or to the Japanese Ambassador, Minister or Consul resident there.

Article 176. (Deleted.)

Article 177. The official who has effected service must draw up a document containing the particulars of the service and produce it to the Court.

Article 178. Where the domicile, residence, or other place of a party where service is to be effected, is unknown, or where in regard to service to be effected the abroad provisions of Article 175 cannot be complied with, or it is to be deemed that it will be useless to comply with them, service by publication may, on application, be made with the permission of the Presiding Judge.

Subsequent services by publication on the same party are made ex officio.

Article 179. Service by publication is made by posting up, on the notice board of the Court, a notice to the

effect that the paper(s) to be served is (are) in the custody of the Court Clerk and ready to be delivered at any time to the person on whom service is to be effected, but the service of a writ of summons is effected by posting it on the notice board

The Court may order that (a notice of) the fact that service by publication has been made be inserted in the *Official Gazette* or newspapers, but in regard to service to be made abroad, the fact of service by publication having been made may be notified through the post

Article 180 Service by publication takes effect upon the lapse of two (2) weeks from the day on which the posting up has been stated or posting up effected in accordance with the provisions of paragraph 1 of the foregoing Article, but service by publication under Article 178, paragraph 2 takes effect on the day next following the day on which the posting up has been started or posting up effected

In case service to be effected abroad has been made by publication, the term mentioned in the preceding paragraph shall be six weeks

The period specified in the foregoing two paragraphs may not be shortened

Article 181 The powers of the Presiding Judge relating to service are also vested in Commissioned Judges, Requisitioned Judges and the Judges of the District Court having jurisdiction over the place of service

Section IV Judgment

Article 182 When an action is ripe for decision, the Court shall render a final judgment

Article 183 When a part of the action is ripe for decision, the Court may render a final judgment in regard to such part

The provision of the foregoing paragraph applies mutatis mutandis when one of several actions respecting which a combination of proceedings has been ordered is ripe for decision and also where the suit or cross action is ripe for decision

Article 184 When an independent means of attack or defense or any other intermediate issue is ripe for decision, the Court may render an interlocutory judgment The same applies also in regard to the cause (grounds) where there is a dispute concerning both the cause (grounds) and the amount of a claim

[illegible] the Court dec[illegible] [illegible] the entire tenor of the oral proceedings and the result of the taking of evidence

Article 186 The Court may render no judgment in regard to matters not brought forward by the parties

Article 187 A judgment shall be given by the Judge who participated in the oral proceedings on which it is based

When there has been a change in the Judges, the parties must orally state the result of the previous oral proceedings

In the event of substitution of a single Judge, the Court must upon application of the party, examine the witnesses who were examined before This shall apply to the cases where, in the event of substitution of the majority of Judges of a collegiate court, the party has applied to the Court for the examination of witnesses who were examined before

Article 188 A decision takes effect by pronouncement

Article 189 Pronouncement of a judgment is effected by the Presiding Judge by reading aloud the formal adjudication according to the original of the judgment

Should the Presiding Judge deem it fit to do so, he may read aloud the reasons of the judgment or orally intimate the gist thereof

Article 190 Judgment is pronounced within two (2) weeks calculated from the day when oral proceedings have been terminated, unless the case is complicated or otherwise attended with special circumstances

Pronouncement of a judgment may be effected even when the parties are not in Court

Article 191 A judgment must contain the following particulars and bear the signatures and seals of the Judges who have participated in the deliberation thereon

1 Formal adjudication,
2 Facts and points at issue,
3 Reasons,
4 Parties and their legal representatives,
5 The Court

The facts and points at issue must be described by summing them up on the basis of the statements of the parties in oral proceedings

Should any Judge be prevented from signing and sealing the judgment, another Judge must note down the reason on the judgment and sign and seal the entry

Article 192 The judgment must be delivered to the Court Clerk without delay after pronouncement and the Clerk must make an additional entry thereon, under his seal, of the dates of pronouncement and delivery

Article 193 The judgment must be served on the parties within two (2) weeks from the day on which it has been taken delivery of

Service of the judgment is effected by means of an exemplification

Article 193-2 When the Court has found any judgment made against any law and ordinance, it may give a judgment to alter it within a week after its pronouncement, provided that it has not become binding or the Court sees no necessity of further oral proceedings for the case to alter the judgment

Such judgment of alteration shall be given without oral proceedings

Summons on the day assigned for the pronouncement of a judgment as mentioned in the preceding paragraph,

except by publication, shall be deemed to have been served at the time of posting a writ of summons to the domicile, residence or other place where service is to be effected, of a party whom to make service.

Article 194. If there is a miscalculation, clerical error or any other similar obvious error, the Court may at any time, either on application or ex officio, make a rule of rectification.

A rule of rectification must be additionally entered in the original and exemplification of the judgment; but if such an additional entry cannot be made in the exemplification, an exemplification of the rule must be made out and served on the parties.

Immediate complaint may be made against a rule of rectification, except a lawful appeal has been lodged against the judgment itself.

Article 195. If the Court has omitted to decide part of the claim, the action remains pending in Court in regard to such part of the claim.

If decision has been omitted in regard to the costs of the suit, the Court decides those costs either on application or ex officio. In this case the provisions of Article 104 apply mutatis mutandis.

Decision concerning the costs of the suit under the provisions of the foregoing paragraph loses its effect if a lawful appeal is lodged against the judgment in the suit. In such case the Court of Appeal decides all the costs of the suit.

Article 196. Should the Court deem it necessary to do so in regard to a judgment concerning a claim on a property right, it may on application or ex officio, declare it provisionally executable on or without security being furnished.

The Court may on application or ex officio declare that provisional execution may be avoided on furnishing security.

The declarations under the foregoing two paragraphs must be mentioned in the formal adjudication of the decision.

Article 197. The provisions of Articles 112, 113, 115 and 116 apply mutatis mutandis to the security referred to in the foregoing Article.

Article 198. A declaration for provisional execution loses its effect to the extent of such alteration upon the pronouncement of a judgment altering such declaration or the judgment in the suit.

In case the judgment in the suit is altered, the Court must, on the application of the defendant, order the plaintiff by the judgment (of alteration) to return what the defendant has prostated by virtue of the declaration for provisional execution and to pay compensation for the damage sustained by the defendant through the provisional execution or in order to avoid it.

When the declaration for provisional execution only has been altered, the provision of the foregoing paragraph applies to a judgment by which the judgment in the suit is subsequently altered.

Article 199. A judgment that has become irrevocable possesses the effect of excluding further litigation so far as the matters contained in the formal adjudication are concerned.

An adjudication upon the validity or invalidity of a claim asserted in set-off possesses the effect of excluding further litigation in respect of the amount to which the plea of set-off has been made.

Article 200. An irrevocable judgment of a foreign Court is valid only upon the fulfilment of the following conditions, namely:

1. That the jurisdiction of the foreign Court is not disallowed by laws or ordinances or by treaty;
2. That the defendant defeated, being a Japanese, has received service otherwise than by publication of the summons or order necessary for the commencement of the action or responded to the action without receiving it;
3. That the judgment of the foreign Court is not incompatible with public order or good morals in Japan;
4. That there is mutual guarantee.

Article 201. An irrevocable judgment is binding on the parties, those who have succeeded to them after the conclusion of oral proceedings or the person who holds in possession the subject matter of the claim for either of them.

The irrevocable judgment respecting the person who has become plaintiff or defendant on account of another person is binding on the other person also.

The provisions of the foregoing two paragraphs apply mutatis mutandis to declarations for provisional execution.

Article 202. An illegal action, if its defect is such as cannot be made good, may be dismissed by a judgment without previous oral proceedings.

The provisions of paragraph 2 of Article 114 shall apply mutatis mutandis to the cases as mentioned in the preceding paragraph.

Article 203. When a compromise or the waiver or admission of the claim is entered in the protocol, such entry has the same effect as an irrevocable judgment.

Article 204. A rule or order takes effect on being intimated in such a manner as may be deemed suitable.

The Court Clerk must additionally enter the manner, place and date of intimation in the original of the decision and affix his seal thereto.

Article 205. Rules and orders relating to the direction of an action may be cancelled at any time.

Article 206. Objections to a disposition made by a Court Clerk are decided by means of a rule by the Court to which the particular Clerk belongs.

Article 207. The provisions relating to judgments apply mutatis mutandis to rules and orders insofar as they are not inconsistent with the nature of the latter decisions.

Article 207-2. Decisions other than judgments (han-

kettei) may be made by an Assistant Judge (hanji-ho) alone.

Section V. Interruption and Stay of Procedure

Article 208. Proceedings are interrupted on the death of a party. In such case proceedings must be taken over by his heir, the administrator of the estate, or any other person who is bound by laws and ordinances to continue the action.

So long as he is entitled to waive the succession, the heir is not allowed to take over the proceedings.

Article 209. Proceedings are interrupted if the juridical person who is a party is terminated by consolidation. In such case the juridical person formed by consolidation or the juridical person continuing in existence after consolidation must take over the proceedings.

The provision of the foregoing paragraph does not apply where the consolidation cannot be set up against the other party (to the action).

Article 210. Proceedings are interrupted when a party loses capacity for doing acts of procedure or his legal representative dies or loses the right of representation. In such case the (succeeding) legal representative or the party who has recovered capacity for doing acts of procedure must take over the proceedings.

Article 211. Proceedings are interrupted on the termination of the duties of the trustee under trust. In such case the new trustee must take over the proceedings.

Article 212. Proceedings are interrupted if a person who, by reason of a certain capacity he possesses, is a party to the action in his name, but on another person's account, loses such capacity. In such case another person possessing the same capacity must take over the proceedings. The same applies where proceedings have been interrupted by the death of a party.

In an action in which persons to be plaintiffs or defendants for the entire body of persons have been appointed in accordance with the provisions of Article 47, the proceedings are interrupted if all the parties thus appointed lose their capacity so to act. In such case the whole of the parties who have made the appointment or the parties newly appointed to act as plaintiffs or defendants must take over the proceedings.

Article 213. The provisions of Article 208, paragraph 1, Article 209, paragraph 1, and Article 210 to the preceding Article do not apply so long as there is a process-attorney.

Article 214. When a party has been adjudged bankrupt, the proceedings relating to the bankrupt estate are interrupted. If in such case the bankruptcy proceedings are abandoned before the proceedings in the action are taken over in accordance with the Bankruptcy Law, the proceedings stand taken over by the bankrupt by operation of law.

Article 215. In case the bankruptcy proceedings have been abandoned after the proceedings relating to the bankrupt estate were taken over in accordance with the Bankruptcy Law, the latter proceedings are interrupted. In such case the bankrupt must take over the proceedings.

Article 216. (Application concerning) the taking over of proceedings may also be made by the other party.

Article 217. On receipt of an application concerning the taking over of proceedings the Court must notify the other party of the fact.

Article 218. The Court must ex officio inquire into the application concerning the taking over of proceedings and, if it finds that there is no cause for it, dismiss the application by means of a rule.

In regard to the taking over of such proceedings as have been interrupted after the service of a decision, decision must be rendered by the Court which rendered the former decision.

Article 219. Even where the parties do not take over proceedings, the Court may ex officio order that the proceedings be prosecuted (continued).

Article 220. Should the Court be unable to perform its functions by reason of natural calamity or any other impediment, the proceedings are stayed until such impediment has ceased.

Article 221. Should the parties be unable to continue the proceedings through an impediment of indefinite duration, the Court may order them to be stayed by means of a rule.

The Court may cancel any rule made under the foregoing paragraph.

Article 222. Judgment may be pronounced even while the proceedings are interrupted.

An interruption or stay of proceedings suspends the progress of terms, the whole of which again begins to run at the time when notice has been given of the taking over of the proceedings or when these are resumed.

Book II

Procedure in First Instance

Chapter I Action

Article 223. An action must be instituted by filing a petition in the Court.

Article 224. In the petition the parties and their legal representatives must be named and the gist and grounds of the claim stated.

The provisions relating to preliminary pleadings apply mutatis mutandis to petitions.

Article 225. An action for confirmation may be in-

stituted even for the purpose of having it determined whether a document purporting to prove a legal relation is authentic or not.

Article 226. An action demanding presentation in the future may be instituted only where it is necessary to make such demand in advance.

Article 227. Several claims may be made by one action but this only where they are asserted by procedure of the same kind.

Article 228. Where the petition is contrary to the provisions of Article 224, paragraph 1, the Presiding Judge must order the defect to be made good within a suitable period to be fixed by himself. The same applies where stamps are not affixed to the petition as required by the provisions of the law.

Should the plaintiff fail to make the defect good, the Presiding Judge must dismiss the action by means of an order.

Immediate complaint may be made against the order under the foregoing paragraph.

To the document embodying such complaint the petition dismissed must be attached.

Article 229. The petition must be served on the defendant.

The provisions of the foregoing article apply mutatis mutandis where the petition cannot be served.

Article 230. On the filing of an action, the Presiding Judge must fix a date for hearing and summon the parties to appear.

Article 231. In regard to a matter pending in Court, neither party may bring a fresh action.

Article 232. So long as no change is made in the basis of the claim, the plaintiff may alter the claim or the grounds of the claim, unless it is likely to cause a considerable delay in proceedings.

A change in the claim must be effected in writing.

The document referred to in the preceding paragraph must be served on the other party.

Article 233. If the Court finds a change in the claim or the grounds of the claim inadmissable, it must, either on application or ex officio, make a rule against such change.

Article 234. Where the decision depends on the formation (existence) or non-formation (non-existence) of a legal relation respecting which a dispute has arisen in the course of an action, the party may extend his claim and apply for a judgment confirming such legal relation, but this only when the demand for such confirmation does not come under the exclusive jurisdiction of another Court.

The extension of a claim under the provision of the foregoing paragraph must be made in writing.

The document referred to in the foregoing paragraph must be served on the other party.

Article 235. Judicial demand necessary for interrupting prescription or for observing a legal term takes effect at the time when the action has been brought or when the paper required by the provision of Article 232, paragraph 2 or paragraph 2 of the foregoing Article has been filed in the Court.

Article 236. Up to the time when judgment becomes irrevocable the action may be withdrawn either in whole or in part, but if in regard to the suit the defendant has filed a preliminary pleading, made a statement in preliminary proceedings or joined in oral proceedings, his consent must be obtained *to the withdrawal of the action.*

Withdrawal of an action must be effected in writing, without prejudice to it, however; this being done orally in the course of oral proceedings or in the presence of the Commissioned Judge in course of preliminary proceedings.

Subsequent to the service of the petition, the paper by which the action is withdrawn must be served on the defendant.

Article 237. An action, if withdrawn, is deemed never to have been lodged, so far as the part withdrawn is concerned.

The person who has withdrawn the action subsequent to final decision having been given in the suit may not bring the same action again.

Article 238. If both parties do not appear on the date for hearing, or if they retire without pleading and do not apply for the appointment of another date for hearing within three (3) months, the action is deemed to have been withdrawn.

Article 239. Up to the time when oral proceedings are concluded the defendant may bring a cross-action in the Court where the *main action is pending*, unless the claim forming its subject comes under the exclusive jurisdiction of another Court and provided that it is related to the claim which is the subject of the main action or to a means of defence against it.

Article 240. The provisions relating to main actions apply mutatis mutandis to cross-actions.

Article 241. On the withdrawal of the main action, the defendant may withdraw the cross-action without the consent of the plaintiff.

Chapter II. Oral Proceedings and Preparations therefore

Article 242. Oral proceedings must be prepared for in writing.

Article 243. A preliminary pleading must be filed in the Court with an *allowance for a period of time* necessary to enable the other party to make preparations *in* regard to the matters specified therein, and the Court must serve *it on the other party*.

The Presiding Judge may fix a period of time within

which preliminary pleadings shall be filed

Article 244 A preliminary pleading must contain the following particulars, and be signed and sealed by the party or his attorney.

1. The names, denominations or trade names, occupations and domiciles of the parties,

2 The names, occupations and domiciles of the attorneys,

3 A designation of the case,

4 Means of attack and defence,

5 Statement against the claim of the other party and his means of attack and defence,

6 A designation of the annexed documents,

7 The date,

8 A designation of the Court

Article 245 When a document held by a party is quoted in a preliminary pleading, a copy thereof must be attached to each copy of the said pleading

If only a part of a document is necessary, it suffices to attach an extract, or to designate the document if voluminous

Article 246 The other party must be allowed, on demand to peruse the document referred to in the foregoing Article

Article 247 Facts other than those entered in preliminary pleadings may not be asserted in oral proceedings unless the other party is present in Court

Article 248 A translation must be annexed to each document written in a foreign language

Article 249 In cases where the Court tries an action in a collegiate body, it may, if deems proper, order that *preparatory procedure for oral proceedings shall be conducted* by a Commissioned Judge for the whole or a part of the action or for particular issues thereof

Article 250 A protocol must be drawn up of preliminary proceedings, in which the particulars specified in Article 244, Numbers 4 and 5 must be entered on the basis of the statements of the parties In regard to evidence, more especially, the tenders thereof must be made clear

If he deems fit so to do, the Commissioned Judge may make use of the preliminary pleadings in lieu of the statements and protocol referred to in the preceding paragraph

Article 251 If one of the parties does not appear on the date appointed, a copy of the protocol referred to in the foregoing Article may be served on such party, and both parties may be summoned to appear on a date fixed anew

Article 252 The Commissioned Judge may require the parties to file preliminary pleadings In such case [illegible]

within the period fixed by the Commissioned Judge in accordance with the provisions of the foregoing Article, the Commissioned Judge may conclude the preliminary proceedings

Article 254 In oral proceedings the parties must orally state the results of the preliminary proceedings

Article 255 Particulars not mentioned in the protocol, or in the preliminary pleadings which may take its place, cannot be asserted in oral proceedings, but this does not apply when they are particulars into which inquiries should be made by the Court ex officio, or when it is not calculated considerably to delay the procedure, or when it has been rendered credible that without any serious negligence it was not possible to produce them in preliminary proceedings

The proviso of the foregoing paragraph is without prejudice to the provisions of Article 247

Particulars mentioned in the petition, or in the preliminary pleadings filed prior to the preliminary proceedings, may be asserted in oral proceedings even though they are not mentioned in the protocol or in the preliminary pleadings which take its place

Article 256 The provisions of Articles 126 to 129, 131, 133 to 141 and 238 apply mutatis mutandis to preliminary proceedings

Chapter III. Evidence

Section 1 General Provisions

Article 257 The facts confessed (voluntarily admitted) by the parties in Court, and those which are patent (notorious), need not be proved

Article 258 A tender of evidence must be made by designating the fact which it is intended to prove by its means

Tender of evidence may be made even before the date appointed for hearing

Article 259 Evidence tendered by a party need not be taken if the Court finds it unnecessary to do so

Article 260 If there is an obstacle of an indefinite duration in the way of taking of evidence, the Court may dispense with taking it

Article 261 (Deleted)

Article 262 The Court may requisition a Government Office or Public Office, a foreign Government Office, Public Office or a school, Chamber of Commerce, Exchange or any other organization to make such investigations as may be necessary.

Article 263 Evidence may be taken even when the parties do not appear on the day appointed for it

Article 264 Taking of evidence to be effected in a foreign country must be requisitioned to the competent official authorities in that country or to the Japanese Ambassador, Minister or Consul resident in the same country

Taking of evidence effected in a foreign country, even

if it contravenes the law of that country, is valid if it does not contravene this law.

Article 265. Should it be deemed necessary to do so, the Court may take evidence out of Court. In this case it may commission a constituent member of the collegiate court or requisition a District Court or Summary Court to undertake the work.

Should the Commissioned Judge find proper to have another District Court or Summary Court take evidence, he may in his turn make a requisition necessary for the purpose. In this case he must notify the Court of the suit and the parties of the fact.

Article 266. The Commissioned Judge must forward the record relating to the taking of evidence to the Court of the suit.

Article 267. Evidence for making a fact credible must be of such a nature as admits of immediate examination.

The Court may, in lieu of such evidence, require a party or his legal representative to deposit security money or to swear to the truth of his assertion.

The provisions of Articles 286 to 289 apply mutatis mutandis to the oath under the foregoing paragraph.

Article 268. *Should a party or his legal representa*tive who has deposited security money in accordance with the provision of paragraph 2 of the foregoing Article make a false statement, the security money is confiscated by the Court by means of a rule.

Article 269. *Should a party or his legal representative* who has been sworn in accordance with the provisions of Article 267, paragraph 2 make a false statement, he is liable to a correctional fine not exceeding five thousand (5000) yen, to be imposed by means of a ruling of the Court by which he has been sworn.

Article 270. Immediate complaint may be made against the rules under the foregoing two articles.

Section II. Examination of Witnesses

Article 271. Except as otherwise provided, the Court may examine any person as a witness.

Article 272. In case a Government official or ex-Government official is to be examined as a witness regarding an official secret, the Court must secure the approval of the competent supervising Government Office.

The provision of the foregoing paragraph applies *mutatis mutandis to other public functionaries.*

Article 273. In cases where the Prime Minister or any of other Ministers of State or a person who has occupied any such office is to be examined as a witness with respect to an official secret, the Court must acquire the *assent of the Cabinet.*

Article 274. In order to examine as a witness in regard to an official secret, a person who is or was a Member of the House of Representatives or the House of Councillors, the Court must secure the assent of the relative House.

Article 275. Tender of a witness must be made by designating such witness.

Article 276. Summons upon a witness must contain the following particulars:

1. A designation of the parties;
2. The gist of the queries to be put to him;
3. The penalty to be imposed in the event of non-appearance.

Article 277. In case *a witness fails to appear without* good reason, the Court may order him to bear the costs thereby occasioned, and impose a non-penal fine on him not exceeding five thousand yen, by means of a rule. Immediate complaint may be made against such rule.

Article 277-2. *In case a witness fails to appear with*out good reason, he shall be punished with fine not exceeding five thousand yen or detention.

Any person who has violated the provisions of the preceding paragraph may be punished, according to the *circumstances, both with fine and detention.*

Article 278. The Court may order the production of a witness who, without good reason, fails to appear.

The provisions of the Code of Criminal Procedure relating to production apply mutatis mutandis to produc*tion under the foregoing paragraph.*

Article 279. A Commissioned Judge or Requisitioned Judge may be required to examine a witness:

1. If the witness is not bound to appear, or is for good reason unable to appear, in the Court of the suit;
2. If undue expense or time would be required for the witness to appear in the Court of the suit.

Article 280. A witness may refuse to testify if the required testimony relates to matters which he fears may expose him, or the persons mentioned below, to criminal prosecution or punishment; and also *if it relates to mat*ters calculated to bring disgrace upon them:

1. The spouse, blood-relations within the fourth degree of relationship or relations by affinity within the third degree of relationship of the witness or a person who was in any of the aforesaid relationship with the witness;
2. The guardian or ward of the witness;
3. A person who is the employer of the witness.

Article 281. A witness may refuse to testify:

1. In cases mentioned in Articles 272 to 274;
2. When he is questioned as to facts which he, being, or having been, a doctor, dentist, apothecary, druggist, mid-wife, advocate, patent attorney, counsel, notary public or an occupant of a post connected with religion or worship, has obtained knowledge of in the exercise of his professional duties and which he should keep secret;
3. When he is questioned in matters relating to a technical or professional secret.

The provisions of the foregoing paragraph do not apply where the witness has been released from his duty of secrecy.

Article 282. The ground on which testimony is re-

fused must be rendered credible

Article 283. With the exception of the case of Article 281, paragraph 1, Number 1, the Court of the suit decides on the propriety of the refusal to testify, after examining the parties

Immediate complaint may be made by the parties and or witnesses against decisions rendered in connection with their refusal to testify

Article 284 The provisions of Articles 277 and 277-2 shall apply mutatis mutandis in case where a witness refuses, without reason, to testify after a decision ruling his refusal to testify to be unfounded has become irrevocable.

Article 285 The Presiding Judge must cause each witness to be sworn before examination, but when a special reason exists, the oath may be administered subsequent to examination

Article 286 The oath must be administered with due solemnity and while standing

Article 287 Prior to the oath being administered, the Presiding Judge must instruct the witness as to the nature of an oath, and warn him of the penalties attaching to false testimony (perjury)

Article 288 The witness must be sworn by causing him to read the form of oath aloud and sign and seal the same, but if the witness is unable to read it aloud the Presiding Judge may do so instead

The written oath must contain a statement to the effect that the witness will conscientiously speak the truth, the whole truth and nothing but the truth (i e , "concealing nothing and adding nothing")

Article 289 When the following persons are to be examined as witnesses, they may not be sworn

1 Persons under sixteen years of age,

2 Persons who are unable to comprehend the nature of an oath

Article 290 When persons who come within the purview of Article 280, but who do not exercise their right to refuse testimony, are examined as witnesses, the formality of placing them under oath may be dispensed with

Article 291 A witness may refuse to be sworn when he is to be examined relative to matters in which he himself is, or any of the persons specified in Article 280 are, vitally interested

Article 292 When a witness has been examined without being sworn, the fact and reason must be entered in the protocol

Article 293 The provisions of Articles 277, 277-2, 282 and 283 shall apply mutatis mutandis where a witness refuses to be sworn

Article 294 A witness shall first be examined by the party who has applied for the summon of him, and after the examination has concluded, the other party may examine him

The presiding judge may examine a witness after the examination by parties has concluded

The presiding judge may, if he deems necessary, examine a witness for himself or permit any of the parties to examine him at any time

The presiding judge may restrict any examination by either party, in cases where it is the repetition of an examination already made or relates to a matter which has no relevancy to the issues, or otherwise he thinks it especially necessary to make such restriction

The associate judge may examine a witness upon intimating the presiding judge

Article 295 The parties may object to the permission, disallowance or restriction of an examination mentioned in the provisions of the preceding Article In this case, the objection shall be decided by the Court

Article 296 Should he deem it necessary so to do, the presiding judge may order witnesses to be confronted with each other

Article 297 Should he deem it necessary so to do, the presiding judge may require a witness to write words or do any such other act as may be found necessary

Article 298 Should he deem it necessary so to do the Presiding Judge may permit the witnesses to be subsequently examined to remain in the Courtroom

Article 299 Witnesses may not testify from documents except with the permission of the Presiding Judge

Article 300 When witnesses are examined by a Commissioned Judge or Requisitioned Judge, the duties of the Court and the Presiding Judge are performed by such Judge, but decision on an objection under the provisions of Article 295 is given by the Court of the suit

Section III Expert Evidence

Article 301 Except as otherwise provided, the provisions of the foregoing Section apply mutatis mutandis to expert evidence

Article 302 Persons who are possessed of erudition and or experience necessary for giving expert evidence are bound to give such evidence

No persons who are in the same position as those who may refuse to testify or be sworn in accordance with the provisions of Articles 280 or 291, or who are mentioned in Article 289, may be expert witnesses

Article 303 No expert may be compulsorily produced

Article 304 Experts are appointed by the Court of the suit or the Commissioned or Requisitioned Judge

Article 305 If circumstances exist which are calculated to prevent an expert from faithfully giving an opinion, a party may refuse him before the expert has made a statement relative to the points on which his opinion is required, or even after he has done so if the ground for refusal has subsequently come into being or the party has subsequently obtained knowledge of the existence thereof

Article 306. A motion of refusal must be made to the Court of the suit or the Commissioned Judge or Requisitioned Judge.

The ground for refusal must be rendered credible.

No objection may be raised to a rule holding the refusal reasonable. Immediate complaint may be made against a rule finding it unreasonable.

Article 307. The written oath must contain an entry to the effect that the expert swears to give his opinion conscientiously and faithfully.

Article 308. The Presiding Judge may require several experts to express their opinion conjointly or separately either in writing or orally.

Article 309. Examination of persons relating to facts of which knowledge has been obtained by means of special erudition and or experience is governed by the provisions relating to the examination of witnesses.

Article 310. Should it be deemed necessary so to do, the Court may requisition a Government Office or Public Office or a foreign Government Office or Public Office or a juridical person possessed of adequate equipment to furnish expert opinion. In this case the provisions of this Section, with the exception of those relating to oaths, apply mutatis mutandis.

Should it be deemed necessary so to do in the case of the preceding paragraph, the Court may require a person designated by such Government Office, Public Office or juridical person to explain the written statement of expert opinion.

Section IV. Documentary Evidence

Article 311. Documentary evidence must be tendered by producing the document, or by applying for an order for production addressed to the person in whose possession it is.

Article 312. The holder of a document may not refuse to produce it:

1. If a party himself holds the document which he has cited in the action;

2. If the party adducing the evidence is entitled to demand that the holder deliver the document to him or to permit him to peruse it;

3. If the document has been made out for the benefit of the party adducing the evidence, or concerning a legal relation between the party adducing the evidence and the holder of the document.

Article 313. The following points must be made clear in an application for an order for the production of a document:

1. A designation of the document;
2. The purport of the document;
3. The holder of the document;
4. The fact to be proved;
5. The ground of the liability to produce the document.

Article 314. Should it find an application for an order for the production of a document reasonable, the Court shall, by means of a rule, order the holder to produce such document.

Where a third person is to be ordered to produce a document, such third person must be examined.

Article 315. Immediate complaint may be made against a rule on an application for an order for the production of a document.

Article 316. If a party does not comply with an order for the production of a document, the Court may deem the allegation of the other party relating to such document to be true.

Article 317. Should a party, with the object of hindering its use by the other party, destroy a document which he is bound to produce, or otherwise render it unfit for use, the Court may deem the allegation of the other party relating to such document to be true.

Article 318. Should a third party fail to comply with an order for the production of a document, the Court may, by means of a rule, impose upon him a correctional fine not exceeding five thousand (5,000) yen. Immediate complaint may be made against such rule.

Article 319. The provisions of Article 311 to the contrary notwithstanding, documentary evidence may be tendered by applying for requisitioning the holder of a document to forward it, except where a party is entitled by the provisions of laws and ordinances to the delivery to him of an exemplification or a copy of the document.

Article 320. Should the Court deem it necessary so to do, it may retain a document which has been produced or forwarded.

Article 321. When a Commissioned Judge or Requisitioned Judge is required to take evidence in regard to a document in accordance with the provisions of Article 265, the Court may fix upon the particulars to be entered in the protocol of the Commissioned Judge or Requisitioned Judge.

A copy of, or an extract from, the document must be annexed to the protocol referred to in the foregoing paragraph.

Article 322. A document must be produced or forwarded in the form of the original, an exemplification or a certified copy.

The provisions of the foregoing paragraph to the contrary notwithstanding, the Court may order the original to be produced or forwarded.

When a party has cited a document, the Court may require him to produce a copy of, or an extract from, same.

Article 323. A document, if its form and purport are such that it purports to have been made out by a Government official or some other public functionary in the exercise of his official functions, is presumed to be an authentic public document.

If there is a doubt as to the authenticity of a public

document, the Court may ex officio make inquiries of the Government Office or Public Office concerned

Article 324 The provisions of the foregoing Article apply mutatis mutandis to documents purporting to be made out by a foreign Government Office or Public Office.

Article 325 A private document must be proved to be authentic.

Article 326 A private document is presumed to be authentic if it bears the signature or seal of the party concerned or of his representative

Article 327 The authenticity of a document may also be proved by a comparison of specimens of handwriting or impressions of seals

Article 328 The provisions of Article 311, Articles 314 to 317 and Articles 319 to 321 apply mutatis mutandis to the production or forwarding of documents or other objects bearing handwriting or seal-impressions to be used for comparison

Should a third person fail, without good reason, to comply with an order for production under the provisions of the foregoing paragraph, the Court imposes upon him, by means of a rule, a correctional fine not exceeding five thousand (5,000) yen Against such rule immediate complaint may be made

Article 329 If there is no appropriate handwriting for comparison, the Court may order the other party to write down words in order to be used for comparison.

If the other party, without good reason, does not comply with the order of the Court under the provisions of the foregoing paragraph, the Court may deem the allegation of the party adducing the evidence in respect to the authenticity of the document to be true The same applies where the writing has been done in a disguised hand.

Article 330. The original, a copy of, or an extract from, a document used for comparison must be annexed to the protocol

Article 331 If a party or his attorney in bad faith or by gross negligence disputes the authenticity of a document contrary to the truth, the Court inflicts on him by means of a rule a correctional fine not exceeding five thousand (5,000) yen

Immediate complaint may be made against such rule

If in the case of the foregoing paragraph the party or his attorney admits the authenticity of the document during the pendency of the action, the Court may, according to circumstances, cancel the rule under the foregoing paragraph

Article 332 The provisions of this Section apply mutatis mutandis to objects made for evidential purposes but which are not documents

Section V Evidence by Inspection

Article 333. Evidence by inspection must be tendered by designating the object to be inspected

Article 334 Should a Commissioned Judge or Requisitioned Judge deem it necessary to do so when taking evidence by inspection, he may order expert evidence to be given

Article 335 The provisions of Article 311, Articles 314 to 317 and Articles 319 to 321 apply mutatis mutandis to the production or forwarding of the object to be inspected

Should a third person without good reason not comply with an order for production under the provisions of the foregoing paragraph, the Court imposes upon him by means of a rule a correctional fine not exceeding five thousand (5,000) yen Immediate complaint may be made against such a rule

Section VI Examination of Parties

Article 336 The Court may, on application or ex officio, examine the parties themselves if it is unable to reach a conviction by taking (other) evidence In this case the parties may be caused to take the oath

Article 337 Should he deem it necessary so to do, the Presiding Judge may order the parties to be confronted with each other or with witnesses

Article 338 If a party, without good reason, does not respond to a summons, or refuses to be sworn or to testify, the Court may deem the allegation of the other party relating to the matter respecting which he is to be examined to be true

Article 339 If a party who has been sworn has given false testimony, the Court imposes on him, by means of a rule, a correctional fine not exceeding five thousand (5,000) yen Immediate complaint may be made against such rule

The provisions of Article 331, paragraph 2, apply mutatis mutandis to the rule under the foregoing paragraph

Article 340 When a party has been examined, his statement and whether he has been sworn or not must be entered in the protocol.

Article 341 The provisions of Article 336 to the foregoing Article apply mutatis mutandis to the legal representatives representing parties in actions, but this is without prejudice to the parties themselves being examined

Article 342 The provisions of Article 276, Article 279, Articles 285 to 289, Articles 294, 295, 297, 299 and 300 apply mutatis mutandis to the examination of persons under this Section

Section VII Perpetuation of Evidence

Article 343 Should the Court consider that there are circumstances which would make it difficult to use evidence unless it be taken in advance, it may, on application, take the evidence in accordance with the provisions of this Chapter

Article 344 A motion for perpetuation of evidence

must be made to the Court in the particular instance in which such evidence is to be used if the action is already pending. Prior to the institution of the action, however, it is to be made in the District Court or Summary Court having jurisdiction over the place of residence of the person to be examined or the person holding the document in his possession or the place where the object to be inspected is located.

In cases of urgency the motion for perpetuation of evidence may be made to the District Court or Summary Court mentioned in the foregoing paragraph even after the institution of the action.

Article 345. The following points must be made clear in the motion for perpetuation of evidence:

1. A designation of the other party;
2. The fact to be proved;
3. The evidence;
4. The reason for requiring perpetuation of evidence.

The reason for requiring the perpetuation of evidence must be rendered credible.

Article 346. A motion for the perpetuation of evidence may be made even where it is impossible to designate the other party. In this case the Court may appoint a special representative for the prospective other party.

Article 347. Should it be deemed necessary so to do, the Court may, ex officio, make a rule for the perpetuation of evidence, but this only during the pendency of the Court.

Article 348. No objection may be raised to a rule for the perpetuation of evidence.

Article 349. For the date for taking evidence the applicant and the other party must be summoned except in cases of urgency.

Article 350. The record relating to the perpetuation of evidence must be forwarded to the Court where the record of the principal action exists.

Article 351. The costs involved in perpetuating evidence form a part of the costs of the suit.

Article 351–2. In case the parties have made a motion for the examination of a witness in oral proceedings who was examined in the procedure respecting the perpetuation of evidence, the Court shall make such examination.

Chapter IV. Special Provisions for the Procedure in Summary Courts

Article 352. In Summary Courts, matters in controversy shall be determined speedily by informal procedure.

Article 353. An action may be instituted orally.

Article 354. Both parties may voluntarily appear in Court and enter upon oral proceedings in an action. In this case the action is instituted by oral statement.

Article 355. In case the defendant makes, by a cross-action, a demand coming under the jurisdiction of a District Court, the Summary Court must, on the demand of the other party, transmit the main action and cross-action to the District Court by means of a rule. In this case the provisions of Articles 32 and 34 apply mutatis mutandis.

No objection may be raised against a rule of transmission.

Article 356. A party to a civil dispute may make an application for a compromise to the Summary Court of the place where the general forum of the other party exists, stating the gist and grounds of the claim and the actual circumstances of the dispute.

On a compromise being arranged, it must be entered in the protocol.

In default of a compromise, the Court, on the application of both parties who have appeared on the date for negotiations for compromise, orders oral proceedings in the action to be entered upon forthwith. In this case, the person who has made an application with a view to arranging a compromise is deemed to have instituted the action at the time when such application was made, and the costs of the (intended) compromise constitute part of the costs of the suit.

Should either the applicant or the other party fail to appear on the date set for negotiation for compromise, the Court may deem compromise impossible.

Article 356–2. Summons on the appointed date may be effected by any of the methods deemed appropriate other than those prescribed in Article 154. In this case, legal sanctions or any other prejudices owing to the failure to appear on the appointed date shall not be put on any of the parties, witnesses or expert witnesses who do not appear on the date.

Article 357. No preparation need be made in writing for oral procedure. Preparation in writing is necessary for any matters upon which the opposing party seems unable to make statements without preparation. In this case an information thereof can, prior to oral proceedings, be made direct to the opposing party in place of presentation of preparatory pleadings.

The provisions of Article 247 apply mutatis mutandis where no notice has been given under the provisions of the foregoing paragraph.

Article 358. The provisions of Article 138 shall apply mutatis mutandis to the cases where either the plaintiff or the defendant fails to appear on the appointed date for oral proceedings, or although he appears on that date, makes no oral statement on the merits of the case.

Article 358–2. Except in cases where any of the parties objects to, any matter to be entered in a protocol may be omitted if the judge permits it.

The provisions of the preceding paragraph shall not apply to the observance of provisions concerning the formalities of oral proceedings, nor to compromise, admission as well as waiver of a claim, withdrawal of an action and confession.

Article 358-3 The Court may, if it deems proper, have written statements presented in substitution for examinations of witnesses or expert witnesses

Article 358-4 The Court may, if it deems necessary, cause any of the judicial commissioners to give assistance in effecting a compromise or to attend at the trial to take his opinion as to the case

Article 358-5 The number of judicial commissioners shall be one or more with regard to each case

The judicial commissioners shall be designated by the Court for every case from among persons who have been appointed as such in advance every year by a District Court

The qualifications and number of the persons to be appointed in accordance with the provisions of the preceding paragraph, and other matters necessary for making appointment referred to in the said paragraph shall be determined by the Supreme Court.

Article 358-6 Judicial commissioners are entitled to receive travelling expenses, daily allowances and charges for lodging whose sum is to be fixed by the Supreme Court

Article 359 In stating the facts and reasons in a judgment, it is sufficient to describe the gist and grounds of the claim, the presence or absence of such grounds, and the gist of the plea on the basis of which the claim is dismissed

Book III
Recourse

Chapter I Appeal

Article 360 Appeal (KOSO) may be lodged against a final judgment given by a District Court in first instance or against a final judgment given by a Summary Court, unless both parties have agreed that neither of them shall appeal with the reservation of the right to lodge re-appeal (jokoku) after the final judgment

The provisions of Art 25 par 2 apply mutatis mutandis to the agreement under the preceding paragraph

Article 361 No independent appeal may be lodged against a decision relating to the costs of the suit.

Article 362 Decisions preceding a final judgment are subject to the adjudication of the Court of Appeal except these to which no objection can be raised or which may be objected to by means of complaint

Article 363 Appeal may be withdrawn so long as final judgment in appeal instance has not been given

The provisions of Art 236 pars 2 and 3, Art 237 par 1 and Art 238 apply mutatis mutandis to the withdrawal of appeal

Article 364 The right to appeal may be waived

Article 365 Waiving of the right to appeal must be effected by a statement addressed to the Court of first instance if it is before appeal has been lodged, or to the Court of Appeal if after appeal has been lodged.

Waiving of the right to appeal, after appeal has been lodged, must be effected simultaneously withdrawal of the appeal

A paper by which the right to appeal is waived must be served on the other party

Article 366 Appeal must be lodged within two (2) weeks from the day on which the judgment (to be attacked) has been served, without prejudice, however, to appeal being validly lodged prior to the said term

The term specified in the foregoing paragraph is peremptory

Article 367 Appeal must be lodged by filing a petition of appeal in the Court of first instance or the Court of Appeal

A petition of appeal must contain the following particulars

1 The parties and their legal representatives,

2 A designation of the judgment in first instance and a statement that appeal is made against such judgment

Article 368 The provisions relating to preliminary pleadings apply mutatis mutandis to petitions of appeal

Article 369 On a petition of appeal being filed in the Court of first instance, the Court Clerk must annex it to the record of the suit and forward the same to the Clerk of the Court of Appeal without delay

On a petition of appeal being filed in the Court of Appeal, the Court Clerk must, without delay, make a demand upon the Clerk of the Court of first instance to forward the record of the suit to him

Article 370 The provisions of Art 228 apply mutatis mutandis where the petition of appeal contravenes the provisions of Art. 367 par 2, or stamps are not affixed to the petition of appeal as required by the law, or the petition of appeal cannot be served

Article 371. The petition of appeal must be served on the appellee

Article 372 Even after his right of appeal has terminated, the appellee may lodge an incidental appeal so [illegible]

conditions essential to an appeal

Article 374 The provisions relating to appeals apply to incidental appeals.

Article 375. So far as the part of the judgment in first instance with which no dissatisfaction is expressed is concerned, the Court of Appeal may, on application,

grant, by means of a rule, a declaration for provisional execution.

Article 376. No objection may be raised to a decision in appeal instance relating to provisional execution.

Against a rule dismissing the application under the foregoing article immediate complaint may be made.

Article 377. Oral proceedings are held insofar only as an alteration is demanded by the parties in the judgment in first instance.

The parties shall state the results of the oral proceedings in first instance.

Article 378. Except as otherwise provided, the provisions of Chapter I to Chapter III of the foregoing Book apply mutatis mutandis to the procedure in appeal instance.

Article 379. Acts of procedure done in first instance have effect in appeal instance also.

Article 380. Preparatory proceedings taken in first instance have effect in appeal instance also.

Article 381. In appeal instance the parties may not affirm that the Court of first instance had no jurisdiction, unless it be exclusive jurisdiction.

Article 382. A cross-action may be instituted only with the consent of the other party.

If the other party has, without reserving an objection, entered upon oral proceedings in the suit of a cross-action he is deemed to have consented to the institution of the cross-action.

Article 383. An illegal appeal, if its defects are such as cannot be made good, may be dismissed by a judgment without prior oral proceedings.

Article 383, Para. 2. The provisions of paragraph 2 of Article 114 shall apply mutatis mutandis to the cases mentioned in the preceding paragraph.

Article 384. The Court of Appeal must dismiss the appeal if it finds the judgment in first instance reasonable.

The appeal must be dismissed if the judgment, though unjustifiable for the reasons given therein, is justifiable for other reasons.

Article 384-2. In cases of the Court of Appeal dismissing an appeal according to the provisions of the first paragraph of the preceding Article, it may, as it thinks the appellant lodged the appeal with the only intention of delaying the conclusion of the suit, order him to pay the amount under ten times as much as that of revenue stamps the written appeal bears.

The decision as mentioned in the preceding paragraph shall be stated in the formal adjudication.

The decision as mentioned in the first paragraph shall lose its effect by the pronouncement of a judgment altering the judgment on its principal matter.

The Court of re-appeal (jokoku) may alter the decision as mentioned in the first paragraph, even in case it dismisses the re-appeal.

Article 385. An alteration in a judgment in first instance may be effected only within the limit of the dissatisfaction expressed.

Article 386. The Court of Appeal must quash the judgment in first instance if it finds such judgment unreasonable.

Article 387. If the procedure for the judgment in first instance is in contravention of the law, the Court of Appeal must quash the same.

Article 388. In case a judgment in first instance dismissing an action as illegal is quashed, the Court of Appeal must refer the case back to the Court of first instance.

Article 389. In case a judgment in first instance dismissing a judgment in first instance is quashed by the Court of Appeal otherwise than in the case of the preceding Article, if further oral proceedings are required in regard to the matter, the Court of Appeal may refer it back to the Court of first instance.

Where the case is referred back on the ground that the proceedings in first instance were in contravention of the law, the proceedings are deemed thereby cancelled.

Article 390. If a judgment in first instance is quashed by reason of error of juridsiction, the Court must transmit the case to the competent Court by means of a judgment.

Article 391. In stating the facts and reasons in a judgment, the judgment in first instance may be cited.

Article 392. Upon the term for recourse maturing without recourse being taken after the completion of the action, the Court Clerk must annex an exemplification of the judgment, or of the order under the provisions of Art. 370, to the record of the case and forward the same to the Clerk of the Court of first instance.

Chapter II. Re-Appeal

Article 393. Re-appeal (jokoku) may be made to the Supreme Court against the final judgment in the second instance or in the first instance rendered by a High Court, and to the High Court against the final judgment in the second instance rendered by a District Court.

In the cases mentioned in the proviso of the first paragraph of Article 360, Re-Appeal may be made directly to the Supreme Court against the judgment of a District Court and to the High Court against the judgment of a Summary Court.

Article 394. Re-appeal may be made only on the ground that the judgment attacked is in contravention of law or ordinance.

Article 395. A judgment is always in contravention of law or ordinance:

1. If the Court adjudicating was not constituted as prescribed by law;

2. If a judge, precluded by law from participating in

the judgment, participated therein,

3 If the provisions relating to exclusive jurisdiction were contravened,

4. If there was a defect in the powers of the legal representative or process-attorney or the authority of an attorney for doing acts of procedure,

5. If the provisions for holding oral proceedings in public were contravened,

6 If the judgment is not accompanied by reasons or the reasons are inconsistent

The provisions of No 4 of the foregoing paragraph do not apply if there has been a ratification in accordance with the provisions of Art 54 or Art 87

Article 396 Except as otherwise provided, the pro- [illegible]

re-appeal must notify the parties of the fact without delay

Article 398 If the grounds of re-appeal are not stated in the petition of re-appeal, a statement thereof must be filed within thirty (30) days from the day on which notice under the preceding Article has been received

Article 399 If the re-appellant in contravention of the provisions of the foregoing Article does not file a statement of grounds of re-appeal, the Court of re-appeal may, by means of a judgment,dismiss the re-appeal without prior oral proceedings

Article 400 The Presiding Judge may fix a reasonable period of time and order the re-appellee to file an answer in writing within such period

Article 401 If in the light of the petition of re-appeal, the statement of grounds of re-appeal, the answer and other documents, the Court of re-appeal finds the re-appeal unreasonable, it may, by means of a judgment, dismiss the re-appeal without prior oral proceedings

Article 402 The Court of re-appeal carries on investigations only within the limits of dissatisfaction as expressed in the grounds of re-appeal

Article 403 Facts lawfully found by the original judgment are binding on the Court of re-appeal

Article 404 In the case of a re-appeal under the provisions of Art 393 par 2 the Court of re-appeal may not quash the original judgment on the ground that the facts mentioned in the latter were found (determined) in contravention of the law

Article 405 The provisions of Art 402 to the preceding Article do not apply to matters which the Court is bound to inquire into ex officio

Article 406 Insofar only as the part of the original judgment with which no dissatisfaction is expressed is concerned, the Court of re-appeal may, on application, grant a declaration for provisional execution

Article 406-2 When a High Court is the Court of re-appeal, it must, in cases specified by the Supreme Court, transfer the case to the Supreme Court by means of a rule

Article 407 If the re-appeal is found reasonable, the Court of re-appeal must quash the original judgment and refer the case back to the original Court, or transfer it to another Court of the same grade

The Court to which the case has been referred back or transferred must adjudicate thereon on the basis of fresh oral proceedings, but it is bound by the findings in fact and law by reason of which the judgment has been set aside by the Court of re-appeal

No judge who participated in the former judgment may participate in the decision referred to in the foregoing paragraph

Article 408 The Court of re-appeal must itself decide the case

1 If the judgment is to be quashed on the ground that law or ordinance was misapplied to the facts ascertained, and the case is mature for decision on the basis of those facts,

2 If the judgment is to be quashed on the ground that the case does not come within the jurisdiction of the Court

Article 409 When a judgment for referring back or transferring a case has been rendered, the Clerk of the Court of re-appeal must annex an exemplification of the judgment to the record of the case and forward the same to the Clerk of the Court to which the matter is referred back or transmitted

Article 409-2 A further re-appeal may be made to the Supreme Court against the final judgment rendered by a High Court in a re-appeal instance but only on the ground that the improper adjudication is made in the said judgment to the effect that a law, ordinance, regulation or disposition is, or is not, constitutional

Article 409-3 With respect to the re-appeal under the preceding Article and the procedure of its re-appeal [illegible]

Article 409-4 Objections may be filed to the Court of re-appeal against the judgment it gave, only on the ground that the judgment is in contravention of law and *ordinance*

Article 409-5 Such objections must be raised within ten days from the day when the judgment has been served It shall not, however, prejudice the effect of objections made prior to this term

The term as mentioned in the preceding paragraph shall be a peremptory term

Article 409-6. The Court of re-appeal, if it considers an objection reasonable, must make a judgment of alteration.

If it considers an objection goundless, it may reject it by means of a rule.

The provisions of the second paragraph of Article 193-2 shall apply mutatis mutandis to the case mentioned in the first paragraph.

Chapter III. Complaint

Article 410. Complaint may be made against a rule or order by which an application relating to procedure has been dismissed without prior oral proceedings.

Article 411. In case a rule or order has been given in a matter that cannot be adjudicated on by a rule or order, complaint may be made against it by the parties.

Article 412. A party dissatisfied with a decision made by a Commissioned Judge or a Requisitioned Judge may lodge complaint with the Court of the suit, but his only when it would be possible to make complaint against it were it given by the Court of the suit.

Complaint may be made against a decision upon an objection.

The provision of par. 1 applies mutatis mutandis to a judgment made by a Commissioned Judge or Requisitioned Judge in a matter pending in the Supreme Court or High Court.

Article 413. Against a rule of the Court of complaint, a further complaint may be made only on the ground that it is in contravention of law or ordinance.

Article 414. The provisions of Chapter I, insofar as these are not inconsistent with their nature, apply mutatis mutandis to complaints and the procedure in the Court of complaint.

The provisions of the preceding Chapter, however, apply mutatis mutandis to complaints under the foregoing Article and the procedure relating to them.

Article 415. Immediate complaint must be made within one (1) week from the day on which notice has been given of the decision.

The term referred to in the foregoing paragraph is peremptory.

Article 416. Complaint must be made either in writing or orally to the original Court or the Court of complaint.

Should the Court of complaint think fit to do so on receipt of complaint, it may forward the matter to the original Court.

Article 417. Should the original Court find reasonable a complaint which has been made to it, or according to the provisions of par. 2 of the foregoing Article, forwarded to it, it must rectify the decision attacked.

Should the complaint be found unreasonable, the matter must be forwarded to the Court of complaint with an opinion attached thereto.

Article 418. Complaint, only when it is immediate complaint, has the effect of suspending execution.

The Court of complaint, or the Court or Judge which or who has given the original decision, may suspend the execution of the original decision until a rule shall have been given on the complaint, or order any other necessary measure.

Article 419. Where oral proceedings are not ordered in regard to the complaint, the Court of complaint may examine the complainant and other persons interested.

Article 419-2. A complaint (kokoku) may be made to the Supreme Court against a rule or order from which a protest is not possible, but only on the ground that an improper adjudication is made in the said decision to the effect that a law, ordinance, regulation or disposition is, or is not, constitutional.

The period for lodging of a complaint mentioned in the preceding paragraph shall be five days.

The term referred to in the preceding paragraph shall be a peremptory term.

Article 419-3. With respect to a complaint under the foregoing Article and the procedure concerning it, the provisions of the second paragraph of Article 418, as well as the provisions concerning the re-appeal under Article 409-2 and the procedure of its re-appeal instance insofar as they are not inconsistent with the nature of matters above-mentioned shall apply mutatis mutandis.

Book IV.
Renewal of Procedure

Article 420. A final judgment that has become irrevocable may be attacked by an action for renewal of procedure, unless the cause therefor was asserted by recourse by the party or was not asserted although it was known to exist:

1. If the Court adjudicating was not constituted as by law prescribed;
2. If a Judge, precluded by law from participating in the decision, participated therein;
3. If there was a defect in the powers of the legal representative or process-attorney or the authority of the attorney necessary for doing acts of procedure;
4. If a Judge who participated in the decision was guilty of an offence relating to his official duties in connection with the particular case;
5. If the party was led to make a confession or prevented from producing a means of attack or defence calculated to affect the decision, always by a criminally punishable act of another person;
6. If a document or any other object used as evi-

dence for the judgment was forged or fraudulently altered,

7. If the judgment was based on the false testimony of a witness, an expert or an interpreter or a sworn party or legal representative,

8 If a civil or criminal judgment or any other decision or an administrative disposition on which the judgment was based has been altered by a subsequent decision or administrative disposition,

9. If decision was omitted respecting a material factor calculated to affect the judgment,

10 If the judgment attacked conflicts with an irrevocable judgment previously pronounced

In the cases of Nos. 4 to 7 of the foregoing paragraph, an action for renewal of procedure may be instituted only when a judgment of conviction or decision imposing a correctional fine has become irrevocable in regard to the punishable act or an irrevocable judgment of conviction or decision imposing a correctional fine cannot be obtained for a cause other than defective evidence

If judgment in the suit has been given in the case in appeal instance, no action for renewal of procedure may be brought against the judgment in first instance

Article 421. If any of the causes specified in the foregoing Article exists in regard to a decision on which the judgment is based, that cause may be made the ground for renewal of procedure against the judgment

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422 Renewal of procedure is under the exclu-

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Article 424 An action for renewal of procedure must be brought after the judgment attacked has become irrevocable and within thirty (30) days from the day on which the party has obtained knowledge of the cause for renewal of procedure

The term specified in the foregoing paragraph is peremptory

No action for renewal of procedure may be brought if five (5) years have elapsed after the judgment becoming irrevocable

If a cause for renewal of the procedure arose after the judgment had become irrevocable, the term specified in the foregoing paragraph is calculated from the day on which the cause came into existence

Article 425 The provisions of the foregoing Article do not apply to actions for renewal of procedure based on a defect in authority of representation or on the fact specified in Art 420 par 1, No 10

Article 426 In the petition there must be entered

1. The parties and their legal representatives,

2. A designation of the judgment attacked and a statement that renewal of procedure is demanded against such judgment,

3 The grounds for dissatisfaction

Article 427 Oral proceedings and decision in the suit may be made only within the limit of the dissatisfaction expressed.

The grounds for dissatisfaction may be altered

Article 428 Where the judgment is found reasonable even though there is a ground for renewal of procedure, *the Court must dismiss the action for renewal of procedure*

Article 429 Where a rule or order that may be attacked by immediate complaint has become irrevocable, if there exists any of the causes specified in Art 420 par 1, an application for renewal of procedure may be made conformably with the provisions of Art 420 to the foregoing Article concerning irrevocable judgments

Article 409-6. The Court of re-appeal, if it considers an objection reasonable, must make a judgment of alteration.

If it considers an objection goundless, it may reject it by means of a rule.

The provisions of the second paragraph of Article 193-2 shall apply mutatis mutandis to the case mentioned in the first paragraph.

Chapter III. Complaint

Article 410. Complaint may be made against a rule or order by which an application relating to procedure has been dismissed without prior oral proceedings.

Article 411. In case a rule or order has been given in a matter that cannot be adjudicated on by a rule or order, complaint may be made against it by the parties.

Article 412. A party dissatisfied with a decision made by a Commissioned Judge or a Requisitioned Judge may lodge complaint with the Court of the suit, but his only when it would be possible to make complaint against it were it given by the Court of the suit.

Complaint may be made against a decision upon an objection.

The provision of par. 1 applies mutatis mutandis to a judgment made by a Commissioned Judge or Requisitioned Judge in a matter pending in the Supreme Court or High Court.

Article 413. Against a rule of the Court of complaint, a further complaint may be made only on the ground that it is in contravention of law or ordinance.

Article 414. The provisions of Chapter I, insofar as these are not inconsistent with their nature, apply mutatis mutandis to complaints and the procedure in the Court of complaint.

The provisions of the preceding Chapter, however, apply mutatis mutandis to complaints under the foregoing Article and the procedure relating to them.

Article 415. Immediate complaint must be made within one (1) week from the day on which notice has been given of the decision.

The term referred to in the foregoing paragraph is peremptory.

Article 416. Complaint must be made either in writing or orally to the original Court or the Court of complaint.

Should the Court of complaint think fit to do so on receipt of complaint, it may forward the matter to the original Court.

Article 417. Should the original Court find reasonable a complaint which has been made to it, or according to the provisions of par. 2 of the foregoing Article, forwarded to it, it must rectify the decision attacked.

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The period for lodging of a complaint mentioned in the preceding paragraph shall be five days.

The term referred to in the preceding paragraph shall be a peremptory term.

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3. If there was a defect in the powers of the legal representative or process-attorney or the authority of the attorney necessary for doing acts of procedure;
4. If a Judge who participated in the decision was guilty of an offence relating to his official duties in connection with the particular case;
5. If the party was led to make a confession or prevented from producing a means of attack or defence calculated to affect the decision, always by a criminally punishable act of another person;
6. If a document or any other object used as evi-

dence for the judgement was forged or fraudulently altered;

7. If the judgement was based on the false testimony of a witness, an expert or an interpreter or a sworn party or legal representative;

8. If a civil or criminal judgment or any other decision or an administrative disposition on which the judgment was based has been altered by a subsequent decision or administrative disposition;

9. If decision was omitted respecting a material [illegible]

an action for renewal of procedure may be instituted [illegible]

tion or decision imposing a correctional fine cannot be obtained for a cause other than defective evidence.

If [illegible]

going Article exists in regard to a decision on which the judgment is based, that cause may be made the ground for renewal of procedure against the judgment even though independent means of attacking such decision are provided

Article 422 Renewal of procedure is under the exclusive jurisdiction of the Court which has given the judgment attacked

Actions for renewal of procedure against judgments given in the same case by Courts of different grades come under the jurisdiction of the superior Court together

Article 423 The provisions relating to the procedure in each particular instance, insofar as these are not inconsistent with their nature, apply mutatis mutandis to the procedure in actions for renewal of procedure.

Article 424 An action for renewal of procedure must be brought after the judgment attacked has become irrevocable and within thirty (30) days from the day on which the party has obtained knowledge of the cause for renewal of procedure.

The term specified in the foregoing paragraph is peremptory

No action for renewal of procedure may be brought if five (5) years have elapsed after the judgment becoming irrevocable

If a cause for renewal of the procedure arose after the judgment had become irrevocable, the term specified in the foregoing paragraph is calculated from the day on which the cause came into existence

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Book V
Summary Procedure

Article 430. In regard to a claim that has for its subject the prestation of a fixed amount or quantity of money or other fungibles or negotiable securities, the Court may, on the application of the creditor, issue an order for payment, but this only when such order can be served in Japan otherwise than by service by public notification.

Article 431. Summary procedure appertains to the exclusive jurisdiction of the Summary Court of the place where the debtor has his general forum, or of the competent Summary Court under the provisions of Art 9

Article 432. The provisions relating to actions, insofar as these are not inconsistent with its nature, apply mutatis mutandis to the application for an order for payment.

Article 433 If an application for an order for payment contravenes the provisions of Art 430 and those relating to jurisdiction, or if view of the purport of the application the claim is clearly unfounded, the application must be dismissed The same applies to such part if an order for payment cannot be issued in regard to a part of the claim

No objection may be raised to a rule by which the application is dismissed

Article 434 An order for payment is issued without examining the debtor

Article 409-6. The Court of re-appeal, if it considers an objection reasonable, must make a judgment of alteration.

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Book IV.
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1. If the Court adjudicating was not constituted as by law prescribed;
2. If a Judge, precluded by law from participating in the decision, participated therein;
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4. If a Judge who participated in the decision was guilty of an offence relating to his official duties in connection with the particular case;
5. If the party was led to make a confession or prevented from producing a means of attack or defence calculated to affect the decision, always by a criminally punishable act of another person;
6. If a document or any other object used as evi-

dence for the judgment was forged or fraudulently altered,

7. If the judgment was based on the false testimony of a witness, an expert or an interpreter or a sworn party or legal representative,

8 If a civil or criminal judgment or any other decision or an administrative disposition on which the judgment was based has been altered by a subsequent decision or administrative disposition,

9 If decision was omitted respecting a material [illegible]

an action for renewal of procedure may be instituted only when a judgment of conviction or decision imposing a correctional fine has become irrevocable in regard to the punishable act or an irrevocable judgment of conviction or decision imposing a correctional fine cannot be obtained for a cause other than defective evidence

If judgment in the suit has been given in the case in appeal instance, no action for renewal of procedure may be brought against the judgment in first instance

Article 421 If any of the causes specified in the foregoing Article exists in regard to a decision on which the judgment is based, that cause may be made the ground for renewal of procedure against the judgment even though independent means of attacking such decision are provided

Article 422. Renewal of procedure is under the exclusive *jurisdiction of the Court which has given the judgment* attacked

Actions for renewal of procedure against judgments given in the same case by Courts of different grades come under the jurisdiction of the superior Court together

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No action for renewal of procedure may be brought if five (5) years have elapsed after the judgment becoming irrevocable

If a cause for renewal of the procedure arose after the judgment had become irrevocable, the term specified in the foregoing paragraph is calculated from the day on which the cause came into existence

Article 425 The provisions of the foregoing Article do not apply to actions for renewal of procedure based *on a defect in authority of representation or on the fact* specified in Art 420 par 1, No 10

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2 A designation of the judgment attacked and a statement that renewal of procedure is demanded against such judgment,

3 The grounds for dissatisfaction

Article 427 Oral proceedings and decision in the suit may be made only within the limit of the dissatisfaction expressed

The grounds for dissatisfaction may be altered

Article 428 Where the judgment is found reasonable *even though there is a ground for renewal of procedure*, the Court must dismiss the action for renewal of procedure

Article 429 Where a rule or order that may be attacked by immediate complaint has become irrevocable, if there exists any of the causes specified in Art 420 par 1, an application for renewal of procedure may be made conformably with the provisions of Art 420 to the foregoing Article concerning irrevocable judgments

Book V
Summary Procedure

Article 430 In regard to a claim that has for its [illegible]

be served in Japan otherwise than by service by public notification

Article 431 Summary procedure appertains to the exclusive jurisdiction of the Summary Court of the place where the debtor has his general forum, or of the compe*tent Summary Court under the provisions of Art 9*

Article 432 The provisions relating to actions, insofar as these are not inconsistent with its nature, apply mutatis mutandis to the application for an order for payment

Article 433 If an application for an order for payment contravenes the provisions of Art 430 and those relating to jurisdiction, or if view of the purport of the application the claim is clearly unfounded, the application must be dismissed The same applies to such part if an order for payment cannot be issued in regard to a part of the claim

No objection may be raised to a rule by which the application is dismissed

Article 434 An order for payment is issued without examining the debtor

The debtor may raise an objection to an order for payment.

Article 435. In an order for payment the parties and their legal representatives must be designated, and the gist and grounds of the claim described with the additional statement that if no objection be raised by the debtor within two (2) weeks from the day on which the order for payment has been served, it will, on the application of the creditor, be declared provisionally executory.

Article 436. An order for payment must be served on the party (debtor).

Article 437. If the debtor has raised an objection before the grant of a declaration for provisional execution, the order for payment loses its effect insofar as such objection goes.

Article 438. If the debtor does not raise an objection within two (2) weeks from the day on which the order for payment has been served, the Court must, on the application of the creditor, additionally state the costs of the procedure in the order for payment and declare it provisionally executory unless an objection is made prior to the grant of such declaration.

A declaration for provisional execution must be entered in the original and exemplifications of the order for payment, and the exemplifications served on the parties.

Immediate complaint may be made against a rule by which the application for (an order for) provisional execution is dismissed.

Article 439. If the creditor does not apply for (an order for) provisional execution within thirty (30) days from the time when it has become possible for him to make such application, the order for payment loses its effect.

Article 440. When two (2) weeks have elapsed from the day on which an order for payment declared provisionally executory was served, the debtor may no longer raise an objection to the order for payment.

The term specified in the foregoing paragraph is peremptory.

Article 441. If the Summary Court finds the objection illegal, the latter must be dismissed by means of a rule even where the claim itself appertains to the jurisdiction of the District Court. Immediate complaint may be made against such ruling.

Article 442. If a lawful objection is raised to an order for payment, an action is deemed to have been brought in regard to the claim objected to at the time when the application for the order for payment was made either in the Summary Court which has issued the order or the District Court having jurisdiction over the place of such Court, according to the value of the subject-matter of the claim. In this case the costs of the summary procedure constitute part of the costs of the suit.

In case an action is deemed to have been brought in the District Court in accordance with the provisions of the preceding paragraph, the Clerk of the (Local) Court must, without delay, forward the record of the case to the Clerk of the District Court.

Article 443. If no objection is raised to an order for payment which has been declared provisionally executory, or if a rule by which the objection is dismissed has become irrevocable, the order for payment has the same effect as an irrevocable judgment.

Article 444 to 496 (Repealed)

Book VI.
Execution

Chapter I. General Provisions

Article 497. Execution takes place upon final judgments which have become final and conclusive or which have been declared provisionally executory.

Article 497. (2) If a judgment is to have effect in regard to persons other than the parties designated in such judgment, it may be executed also against and for such persons, unless they are interveners under the provisions of Art. 64.

As regards the grant of an executory exemplification in the case of the preceding paragraph, the provisions of Arts. 519 to 521 apply mutatis mutandis.

Article 498. A judgment does not become final and conclusive until the expiration of the term fixed for the entering or lodging of an admissable objection or recourse (except a re-appeal under Article 409-2).

A judgment is prevented from becoming final and conclusive by the entering or lodging of a protest or recourse within the prescribed term.

Article 499. Where the plaintiff or defendant demands a certificate that a judgment has become final and conclusive, the Clerk of the Court of first instance issues the same in accordance with the record.

If the suit is still pending in a higher instance, the Clerk of the Court of such instance issues the certificate in respect of such parts only of the judgment as have become final and conclusive.

Where the issue of a certification is dependent on the fact of no recourse being lodged against the judgment, a certificate of the Clerk of the Court competent for recourse to the effect that no recourse has been lodged within the peremptory term suffices.

Article 500. Where in case a re-appeal under Article 409-2 is made or a renewal of procedure is applied for, the Court may, upon application, direct that execution shall be provisionally stayed either upon or without security being given, or that it shall be carried out upon

security being given, or that compulsory measures already taken shall be annulled upon security being furnished

A stay of execution without security is admissible only if it is rendered credible that execution would cause irreparable detriment

The decision may be rendered without prior oral proceedings Such decision cannot be attacked

Articles 501 to 511 (Repealed)

Article 512 Where recourse is lodged against a judgment declared provisionally executory, or an objection is raised against an order for payment declared provisionally executory, the provisions of Art 500 apply mutatis mutandis

Article 513 Where in accordance with the provisions of this Book the furnishing of security (or guarantee), or the making of a deposit, is imposed on the plaintiff or defendant, or the furnishing of security or the making of a deposit is permitted to him, it may be effected either at the District Court where such party has his general forum or at the Court of execution

On demand, a certificate shall be issued of the security having been furnished or the deposit having been made

The provisions of Arts 112, 113, 115 and 116 apply mutatis mutandis to security under the provisions of par 1

Article 514 Execution in virtue of the judgment of a foreign Court can only take place where the admissibility thereof has been pronounced by way of a judgment of execution rendered by a Japanese Court

The Court competent in an action for the issue of a judgment of execution is the District Court where the debtor has his general forum, and, in default of any such forum, the Court in which, in conformity with the provisions of Art 8, action may be brought against the debtor

Article 515 The judgment of execution must be rendered without inquiring into the correctness of the decision

An action for the issue of a judgment of execution must be dismissed

1 If the judgment of the foreign Court is not certified to be final and conclusive,

2 If the foreign judgment does not fulfill the conditions required by Art 200

Article 516 Execution takes place by virtue of an exemplifications of the judgment furnished with an execution clause

Executory exemplifications are issued by the Clerk of the Court of first instance or, where the suit is pending in a superior Court, by the Clerk of such Court.

Application for the issue of an executory exemplification may be made orally

Article 517 The execution clause shall be placed at the end of the exemplification of the judgment

It shall run

"This exemplification is issued to (designation of the plaintiff or defendant) for the purpose of execution against (designation of the defendant or plaintiff) "

The execution clause shall be signed by the Court Clerk and shall be sealed with his seal and with the seal of the Court

Article 518 No executory exemplification is issued the judgment has become final and conclusive, or has been declared provisionally executory

In the case of judgment the execution of which is, in accordance with their contents, dependent on some condition other than that of furnishing security, an executory exemplification may be issued only if the creditor proves by certificates that such condition has been fulfilled

Article 519 An executory exemplification may be issued in favour of the successors of the creditor specified in the judgment or against the universal successors of the debtor specified in the judgment, provided that the succession is patent to the Court or is proved by certificates If such succession is patent to the Court, this fact shall be mentioned in the execution clause

Article 520 In the cases provided for in Art 518 par 2 and in Art 519, the executory exemplification may be issued only upon the order of the Presiding Judge

Prior to such order the Presiding Judge may hear the debtor orally or in writing

Such order shall be mentioned in the execution clause

Article 521 Where the proof required by Art 518 par 2, and by Art 519, cannot be furnished, the creditor may institute an action in the Court of the suit in first instance for the issue, under the judgment, of an execution clause

Article 522 Objections raised by the debtor regarding the issue of the execution clause are decided by the Court whose Clerk issued the execution clause

Prior to the decision, the Presiding Judge may make a provisional direction in particular, he may direct a provisional stay of execution on security being furnished or without it, or may direct that execution is to be continued on security being furnished

Article 523 Where the creditor demands two or more executory exemplifications or where he, for a second time, demands an executory exemplification of the same judgment without returning the one previously issued, the same may not be issued excepting by order of the Presiding Judge.

Prior to such order the Presiding Judge may hear the debtor orally or in writing

Where two or more executory exemplifications are issued, or an exemplification is a second time issued, the adversary, provided that he has not been heard, shall be notified thereof.

The order granting such permission shall be exhibited at the time of execution

Article 540 The bailiff shall record every act of execution by protocol.

The protocol must contain

1 Mention of the place where, and of the year, month, and day when, the protocol is made,

2 The subject matter of the act of execution, with a succinct mention of the material facts,

3 Designation of the persons participating in the execution,

4 The signatures and seals of such persons,

5 A statement to the effect that the protocol has been read to those concerned or has been presented to them for perusal, and that it has been signed and sealed after having been first approved by them,

6 The signature and seal of the bailiff

Where it has not been possible to satisfy any of the requisites in Nos 4 or 5 specified, the reason shall be stated

Article 541 Summonses and other communications appertaining to the acts of execution are to be made orally by the bailiff and inserted by him in the protocol.

Where such summonses or communications cannot be effected orally, a copy of the protocol shall be served by applying correspondingly the provisions of Arts 167, 168, 171 and 172 and, if a special document of service is not drawn up, the fact of service having been effected shall be mentioned on the protocol

Where the service cannot be effected either at the place of execution or within the district of the Court of execution, a copy of the protocol shall be served through the post on the persons who are to receive the summonses or communications, and the fact of its having been posted shall be mentioned on the protocol

Article 542 The services and communications which [illegible]

Article 543 The direction of acts of execution, and the judicial cooperation in the same assigned to the Courts by this Code, come within the jurisdiction of the District Courts as Courts of execution

That District Court shall be deemed the Court of execution in the district of which the execution proceedings are to ensue or have ensued, unless some other Court is specially designated by law

Decisions of the Court of execution may be rendered without prior oral proceedings

Article 544. Applications and objections relating to the way of execution and to the procedure to be observed threat by the bailiff are decided by the Court of execution The same is empowered to issue the directions specified in Art 522 par 2

Where a bailiff refuses to accept execution instructions, or to carry out an act of execution in accordance with his instructions, or where objections are raised with respect to the fees brought into account by the bailiff, the decision rests with the Court of execution

Article 545 Objections relating to the claim itself established by the judgment are to be asserted by the debtor by way of action in the Court of the suit in first instance

They are admissible only insofar as the grounds upon which they rest have arisen subsequently to the close of the oral proceedings at which objection should, in conformity with the provisions of this Code, have at the latest been asserted

The debtor must assert all his objections (if any) at one and the same time

Article 546 The provisions of the preceding article apply mutatis mutandis where, in the cases of Art 518 par 2 and Art 519, the debtor contests the accomplishment of the fact which was deemed proved at the time of issue of the execution clause and on which the execution of the judgment is dependent, or contest the succession which was deemed as having ensued, but without prejudice to the right of the debtor in such cases to raise objections against the issue of the execution clause in conformity with Art 522

Article 547 In the cases of the two preceding articles the continuance of the execution is not prevented by the institution of an action in objection

Where, however, the circumstances asserted in objection are held to be well founded in law and are rendered credible in fact, the Court of the suit may, upon application, direct a stay of execution until the judgment shall have been rendered with or without security being given, or continuance of the execution on security being given, or annulment of the measures already taken in execution on security being given

Such decision may be rendered without oral proceedings and, in cases of urgency, by the Presiding Judge

In cases of urgency the Court of execution may also exercise this power In such cases it shall fix a suitable term within which the decision of the Court of the suit is to be produced Where such term has expired without result, the execution is, upon the application of the creditor, to be continued.

Article 548 In the judgment deciding the action in objection, the Court of the suit may issue the directions specified in the preceding Article, or may annul, vary, or confirm such directions as have already been issued

The judgment, insofar as it relates to the matters in the preceding paragraph mentioned, shall ex officio be declared provisionally executory

No dissatisfaction may be expressed with such decision.

Article 549. Where a third person claims ownership in the subject matter of execution, as well as where he asserts that he has a right to debar the assignment or the delivery of the same, he is to assert his objection to the

execution by way of an action against the creditor or, where the debtor does not consider the objection to be well founded, against both the creditor and the debtor.

If the action is instituted against both the creditor and the debtor, they are to be made co-defendants.

The Court of execution is the Court competent for the action.

The provisions of Arts. 547 and 548 apply mutatis mutandis to the staying of execution and to the annulment of the measures of execution already taken. Annulment of a measure of execution is admissible without security being given.

Article 550. Execution shall be stayed or restricted in case any of the following documents is produced:

1. The exemplification of an executory decision which annuls the judgment to be executed or its provisional execution has been annulled, or which declares execution inadmissible, or directs a stay thereof;

2. The exemplification of a decision which directs a temporary stay of execution or of a measure of execution;

3. A document showing that security has been furnished in order to avert execution;

4. A document showing that subsequently to the rendering of the judgment to be executed the creditor has been satisfied or has granted further time for performance of the obligation.

Article 551. In the cases of Nos. 1 and 3 of the preceding Article, the measures of execution already taken are at the same time to be annulled. In the case of No. 4, these measures are to be temporarily maintained. In the case of No. 2, the measures of execution already taken are to be temporarily maintained, provided that the decision does not direct annulment of the previous acts of execution.

Article 552. An execution already commenced against a debtor at the time of his death is continued against his estate.

Where an act of execution is to be carried out, of which notice has to be given to the debtor, and there is no heir or the heir's whereabouts is unknown, the Court of execution shall, on the application of the creditor, appoint a special representative for the estate or for the heir.

Article 553. (Deleted)

Article 554. The debtor shall bear the costs of execution insofar as they were necessary; which are to be recovered with the claim upon which the execution proceeded.

The costs of execution are to be repaid to the debtor where the judgment upon which the execution proceeded is annulled or revoked.

Article 555. Where the assistance of the authorities is required for the purposes of execution, the Court shall address a request to the authorities for their assistance.

Article 556. (Deleted)

Article 557. Where execution is to be effected in a foreign state, the authorities of which are bound to render legal cooperation to the Japanese Courts, the Court of the suit in first instance shall, upon the application of the creditor, request the competent authorities of such foreign state to enforce execution. Where execution can be enforced through a Japanese Consul residing abroad, the Court of the suit in first instance shall address the request to him.

Article 558. Immediate complaint may be raised against decisions which can be rendered in the course of execution procedure without oral proceedings.

Article 559. Execution may also take place:

1. Upon decisions which cannot be attacked excepting by complaint;

2. Upon orders for payment declared provisionally executory;

3. Upon documents drawn up by a notary within the limits of his authority and in the prescribed form; provided that the document is prepared with reference to a claim having for its object the payment of a fixed sum of money, or the rendering of a fixed quantity of other fungibles or documentary securities, and contains mention that it is immediately executory.

Article 560. The provisions of Arts. 516 to 529, Arts. 531 to 552, Arts. 554, 555, 557 and 558 apply mutatis mutandis to execution taking place in virtue of the titles of debt and compromise in Court and also the waiver or acknowledgement of claims mentioned in the preceding Article, subject to the modifications contained in the provisions of Arts. 561 and 562.

Article 561. On an order for payment declared provisionally executory, the execution clause is to be noted only where, subsequently to the issue of the order, there has been a succession on the side of the creditor or on that of the debtor.

Objections relating to the claim itself are admissible insofar only as the grounds upon which they rest have arisen subsequently to service of the order for payment declared provisionally executory.

In actions relating to the issue of an execution clause as well as in actions by which objections relating to the claim itself are asserted, or actions by which a succession deemed to have taken place at the time of issue of the execution clause is disputed, the Court having jurisdiction is the Summary Court which issued the executory order. Where the claim does not appertain to the jurisdiction of a Summary Court, the actions shall be instituted in the competent District Court.

Article 561 (2). A decision imposing a correctional fine and a decision as mentioned in the first paragraph of Article 384-2 are executed by order of the Procurator. Such order has the same validity as an executory title of debt.

Article 562. Executory exemplifications of notarial documents are issued by the notary who has the documents in his keeping.

Objections relating to the issue of the execution clause, and questions relating to the issuing of the execution clause, anew, are decided by the District Court having jurisdiction over the district where the notary has his official domicile

The restrictive provision of Art 545 par 2 does not apply to the assertion of objections relating to the claim itself

In actions relating to the issue of an execution clause, as well as in actions by which objections relating to the claim itself are asserted or the accomplishment of the fact, which was deemed proved at the time of issue of the execution clause and on which the execution of the document is dependent, is disputed, the Court having jurisdiction is the Court where the debtor has his general forum in Japan and, in default of any such forum, the Court in which, according to Art 8, action may be instituted against the debtor

Article 563 The forums determined in this Book are exclusive forums

Chapter II Execution in Respect of Money Claims

Section I Execution Against Movable Property

Subsection I General Provisions

Article 564 Execution against movables is effected by way of seizure

The seizure may not be extended further than is necessary for satisfying the creditor in respect of the claim specified in the executory exemplification and for covering the costs of execution

Execution may not take place unless a surplus over the costs of execution is to be expected from the realization of the objects to be seized

Article 565 Seizure is not impeded by a real security right which a third person mav have over the object to be seized, without prejudice, however, to the right of such person to claim satisfaction in preference out of the proceeds by way of action in conformity with the provisions of Art 549

In such case, and provided that the circumstances asserted in support of the claim are held to be well founded in law and rendered credible in fact, the Court shall direct deposit of the proceeds With respect hereto the provisions of Arts 547 and 548 apply mutatis mutandis

Subsection II Execution Against Corporeal Movables

Article 566 The seizure of corporeal movables in the possession of the debtor is effected by the bailiff taking possession thereof

Such things are to be left in the custody of the debtor where the creditor consents thereto, or where their removal would be attended with grave difficulty In such case the validity of the seizure is dependent on the seizure being rendered manifest by the affixing of seals or in some other manner

The bailiff shall notify the debtor of the seizure having been effected

Article 567. The provisions of the preceding Article apply mutatis mutandis to the seizure of things which are in the possession of the creditor or of a third person who does not refuse to surrender them

Article 568 Fruits may be seized even before they are separated from the soil Seizure may, however, take place only within one (1) month before the usual period of maturity

Silk worms may not be seized until the majority are ready for spinning

Article 569 The effects of a seizure extend ipso facto [illegible]

[illegible]

[illegible] and kitchen utensils, insofar as such objects are indispensable to the debtor and any of the relatives with whom the debtor resides,

2 The victuals and fuel necessary for the space of one (1) month for the debtor and any of the relatives with whom the debtor resides,

3 In the case of artists, artisans, and workman (technicians, workmen, and labourers), as well as in that of midwives, the objects indispensable for the exercise of their calling,

4 In the case of agriculturists, the implements, beasts (live stock) and manure indispensable for carrying on their husbandry, as well as the agricultural produce indispensable for carrying on their husbandry until the next harvest,

5 In the case of officials, officials of shrines, priests, teachers in public or private educational institutions, advocates, notaries, and doctors, the objects indispensable for the exercise of their calling and also wearing apparel suitable to their station,

6 In the case of officials, officials of shrines, priests, teachers in public or private educational institutions, the portion in money of the income derived from their employment or of their pension, which in accordance with the provision of Art 618 is not liable to seizure, and which is calculated according to the number of days between the seizure and the next day of payment of the salary of pension,

7. The utensils, vessels, and chemicals indispensable to an apothecary in the preparation of medicines,

8 Orders and badges of honor,

9 Seals and other stamps necessary for carrying on a business,

10. Images and other objects used for the purpose of (household) worships,

11 Genealogical papers,

12 Objects relating to inventions of the debtor or

of any of the relatives with whom the debtor resides which have not been made public and manuscripts of unpublished works of the debtor or of a member of his family;

13. Books for the use of the debtor or of any of the relations with whom the debtor resides at college or school.

With the consent of the debtor, however, the above objects, with the exception of those mentioned in Nos. 3 to 8, may be seized.

Article 571. Where special measures are necessary for the preservation of things seized, the bailiff shall take such measures in the manner expedient for the purpose. Where expenses will be incurred the money for such expenses is to be advanced by the creditor, and, where two or more creditors are concerned, by all of them in proportion to the amount of their claims.

Article 572. After the seizure has been carried out the things seized are to be sold by the bailiff by way of public auction in conformity with the provisions of the following articles, and without any special instructions from the creditor or the Court being required.

Article 573. Where there are objects of high value amongst the things to be sold by auction, the bailiff shall have them appraised by a competent expert.

Article 574. Money which is seized is to be delivered to the creditor. Money collected by the bailiff is to be deemed to have been paid by the debtor, unless the debtor has been permitted to avert execution by furnishing security (bail) or by making a deposit.

Article 575. Between the day of the seizure and the day of the auction a period of at least seven (7) days must intervene, unless the execution creditor, creditors demanding distribution in virtue of an executory exemplification, and the debtor agree to an earlier auction, or unless the same is necessary to avoid disproportionate expenses of a longer custody or to avert the risk of a considerable depreciation in the value of the thing which is to be sold.

Article 576. The auction takes place in the city, town or village, in which the seizure was effected, unless the execution creditor and the debtor agree upon some other place.

The day and hour and place of auction are to be publicly notified with designation of the things to be sold.

Article 577. Objects knocked down are delivered only against payment of the purchase money.

If the highest bidder has failed to demand delivery of the things in return for the purchase money at the time fixed for payment by the conditions of sale or, where no such time is thus fixed, before the conclusion of the auction proceeding, the thing is to be again put up to auction. In this case the former highest bidder cannot take part in the second auction and he is liable to pay any deficiency between the price realized in the second auction and that of the first one; he has no claim to any excess when the former is higher than the latter.

Article 578. The sale by auction is discontinued as soon as it has produced an amount sufficient to satisfy the creditor and to cover the costs of execution.

Article 579. Receipt by the bailiff of the proceeds is regarded as payment on the part of the debtor, unless the debtor is permitted to avert execution by furnishing security (bail) or by making a deposit.

Article 580. Objects in gold or silver may not be knocked down below their intrinsic gold or silver value. Where no bid is made up to their intrinsic value, the bailiff may effect the sale as he thinks fit at a price equal to their intrinsic gold or silver value.

Article 581. Documentary securities seized are, if they are quoted, to be sold by the process server as he thinks fit at the quotation of the day, and, where they are not quoted, they are to be sold at auction in conformity with the general provisions.

Article 582. Where a documentary security runs to name, the bailiff may be empowered by the Court of execution to procure its transfer to the name of the purchaser and to make the declarations requisite therefor in place of the debtor.

Article 583. Where a document to bearer has been withdrawn from circulation by being altered to run to name or otherwise, the bailiff may be empowered by the Court of execution to take measures to again bring it into circulation and to make the declarations requisite therefor in place of the debtor.

Article 584. The sale by auction of seized fruits which have not yet been separated from the soil may not take place until after they have arrived at maturity, the bailiff is empowered for the purpose of auction to have them harvested.

The sale by auction of seized silk worms may not take place until after they have all finished their cocoons.

Article 585. Upon the application of the execution creditor, of any creditor demanding distribution in virtue of an executory exemplification, or of the debtor, the Court of execution may direct that the sale of a thing seized shall take place in a manner or at a place other than is in the preceding Articles prescribed, or that the sale by auction shall be effected by a person other than a bailiff.

Article 586. A bailiff may not again seize on behalf of another creditor things which have already been seized.

The bailiff shall demand of the (other) bailiff who has already effected seizure inspection of the protocol of seizure and by comparing things with the protocol, shall seize those things (if any) which have not yet been seized, shall deliver the protocol of seizure to the bailiff who effected the former seizure, and shall at the same time demand that the whole of the objects seized be put up to auction. Where there are no things liable

to seizure, the bailiff shall draw up a protocol of comparison and shall deliver it to the (other) bailiff who has already effected seizure

In consequence of the demand prescribed in the preceding paragraph the creditor's mandate of execution passes by virtue of law to the bailiff who has already effected seizure

The provisions of this Article do not apply to objects under provisional seizure

Article 587 The procedure for the comparison of objects, conducted in conformity with the preceding article, operates to produce the effect of a demand for distribution and, if the former seizure is annulled, to produce the effect of seizure

Article 588 Where after the expiration of a reasonable term the bailiff fails to bring about an auction, the execution creditor and every creditor demanding distribution in virtue of an executory exemplification *may call upon the bailiff to effect a sale by auction* within a fixed term, if this demand remains without result, they may apply to the Court of execution for an appropriate order

Article 589 Creditors, who are entitled in accordance with the Civil Code to demand distribution, may demand distribution of the proceeds without having any executory exemplification

Article 590 The demand for distribution to be asserted in conformity with the preceding article shall be directed to the bailiff with a statement of the grounds thereof, and in the case of a person who has neither residence nor business premises at the place where the Court has its seat, also of a provisional domicile elected at such place

Article 591 In the cases of Art 586 par 2, and of Art 590, the bailiff shall notify every creditor taking part in the distribution, and also the debtor, of the demand for distribution

Where a creditor has demanded distribution without having an executory exemplification, the debtor shall, within a term of three (3) days counting from the day of notification, inform the bailiff as to whether he admits the claim or not.

Where the creditor is notified by the bailiff that the debtor does not admit his claim, he shall, within a term of three (3) days counting from the day of notification, institute an action against the debtor and establish his claim

Article 592. The demand for distribution may be made up to the conclusion of the auction proceedings

Article 593 Where the proceeds are not sufficient to satisfy all the creditors taking part in the distribution and no agreement with respect to the distribution is arrived at amongst the creditors, the proceeds are to be deposited.

The same applies where money is seized simultaneously on behalf of two (2) or more creditors and it is not sufficient to satisfy all of them

In such cases the process server shall report the position of affairs to the Court of execution The documents relating to the execution procedure are to be annexed to such report

Subsection III Execution Against Rights of Claim And Other Rights of Property

Article 594 Execution against a right of claim of the debtor against a third person (garnishee) for the payment of a sum of money, or the delivery or rendering of other corporeal things or of documentary Securities, is effected by means of an order of attachment issued by the Court

Article 595 The competent Court of execution is the District Court of the place where the debtor has his general forum, and in default of any such District Court, then the District Court having jurisdiction over the place where the claim to be attached is located.

The claim to be attached is deemed to be located at the place where the garnishee has his general forum, but a claim the subject of which is the delivery of things, or a claim secured by things, is located at the place where such things are

Article 596. In the motion for the issue of an order of attachment the creditor shall specify the nature and amount of the debt to be attached

The motion may be brought in writing or orally

Article 597 The order of attachment is issued with- [illegible]
[illegible]
[illegible]
[illegible]
same time enjoin the debtor to refrain from disposing of the right of claim and particularly from collecting such claim

The order of attachment is ex officio to be served by the Court on the garnishee and on the debtor The creditor is to be notified of the service

The attachment shall be deemed to be effected on the service (of the order of attachment) on the garnishee

Article 599 In the case of the attachment of a right of claim secured by mortgage the creditor is entitled, without the consent of the debtor being required, to have the fact of attachment of the right of claim entered in the register

The motion for registration is to be made to the Court, it may be combined with the motion for the issue of an order of attachment

The Court shall proceed with the registration after service of the order of attachment has been made on the owner of the mortgaged immovables (the garnishee).

Article 600 In respect of an attached right of claim for money the attaching creditor may make a motion, at his option, for the issue of an order either for the collec-

tion of such claim without going through the procedure for subrogation or for the assignment to himself of the right at its nominal value in place of payment.

The provisions of Art. 598, par. 2 apply mutatis mutandis to the service of the order.

Article 601. Where the attached right of claim has by an order been assigned in place of payment at its nominal value, the debtor on the procedure in Art. 598, par. 2 provided for being accomplished, shall be deemed to have satisfied his debt to the extent that such right of claim exists.

Article 602. The order for collection extends to the whole amount of the claim to be collected. The Court of execution may, however, on the application of the debtor, and after hearing the attaching creditor, direct that the attachment be limited to the amount of the creditor's claim and permit the debtor to dispose of the surplus, in particular, to collect same. In such case no other creditor may demand distribution of the limited portion subjected to attachment.

Such permission is to be notified to the garnishee and to the creditor.

Article 603. The attachment of right of claim arising on bills of exchange, promissory notes, and other documents transferable by endorsement, is effected by the bailiff taking possession of such documents.

Article 604. The attachment of a right of claim for salary or for other like periodical income extends also, up to the amount of the creditor's claim, to sums of money accruing due after the attachment.

Article 605. The attachment of an income derived from employment extends to the income to be drawn by the debtor in consequence of his transfer to another office, or by reason of an additional office being conferred on him, or in consequence of his salary being raised.

Article 606. The debtor is bound to deliver to the attaching creditor the documents in his possession which refer to the right of claim. The creditor may, in virtue of the order of attachment, have them delivered up by the debtor by way of execution.

Article 607. Where the debtor is to be permitted to avert execution on furnishing security in pursuance of Art. 196, par. 2, the order for collection only can be made in respect of an attached right of claim for money; such order, however, has merely the effect of obliging the garnishee to deposit the amount of his debt.

Article 608. The creditor shall report the fact to the Court of execution when he has collected the claim.

Article 609. The attaching creditor may apply to the Court to direct the garnishee to state to the Court in writing, and within the term of seven (7) days counting from service of the order of attachment:

1. Whether and to what extent he admits the right of claim and is prepared to make payment;
2. Whether other persons have or have not raised claims to the right of claim and of what nature these claims are;
3. Whether the right of claim has already been attached on behalf of other creditors, and of what nature these claims are.

The demand for these statements shall be inserted in the document of service. The garnishee is responsible for damage resulting from neglect to make such statements.

Article 610. Where the creditor proceeds, by reason of the contents of the order, to an action against a garnishee, he shall institute such action in the Court competent under the general provisions and shall notify the suit to the debtor, provided that the debtor is in Japan and that his domicile is known.

Article 611. A creditor who neglects to exercise his right of claim regarding a claim to be collected is responsible to the debtor for any damage resulting therefrom.

Article 612. The creditor may, without prejudice to his claim, renounce (waive) the rights acquired by the order for collection.

Such renunciation (waiver) is effected by means of a written notice to the Court; copy of the same is to be served on the garnishee and on the debtor.

Article 613. Where the attached right of claim is conditional or is subject to a term, or where collection of such claim is attended with difficulties by reason of it being dependent on counter-performance or from other causes, the Court may, upon application, direct some other mode of realization in lieu of collection.

Where a debtor is in Japan and his domicile is known, he shall be heard before the rule granting the application is rendered.

Article 614. Execution against claims for the delivery or rendering of corporeal things is effected in accordance with the provisions of Arts. 598 to 612, regard being had to the provisions of the following several articles.

Article 615. Where a claim for a corporeal movable is attached, direction shall be given for the thing to be delivered up to a bailiff instructed by the creditor.

In respect of the realization of such movables, the provisions relating to the realization of things attached apply.

Article 616. Where a claim for an immovable is attached, direction shall be given for the immovable to be delivered over to a sequestrator to be appointed, on the application of the creditor, by the District Court of the place where the immovable is situated.

Execution against the immovable so delivered over is effected according to the provisions relating to execution against immovables.

Article 617. No order of assignment in place of payment can be made in respect of claims for the delivery or rendering of corporeal things.

Article 618. The following rights of claim cannot be attached:

1. Legal aliment;

2 Periodical income derived by the debtor from charitable foundations or by virtue of the liberality of a third person, insofar as the same is necessary for the maintenance of himself and any of the relatives with whom the debtor resides,

3 Deleted

4 Deleted

5 The official incomes and the pensions of officials, of officials of shrines, of priests, and of teachers in public or private educational institutions, and allowances in aid of their surviving families;

6 The remuneration for the work and services of artisans, workmen, and servants

With regard to income as mentioned in items 1, 5 and 6, only the portion which exceeds three fourths of the total amount to be received in a year may be attached In case, however, there is no fear that the debtor will be in distress owing to the attachment, half amount of the income may be attached with the permission of the Court

Article 618–2 The provisions of Article 570–2 shall apply mutatis mutandis to the cases of attachment in accordance with the provisions of the second paragraph of the preceding Article

Article 619 Where attachment of a right of claim takes place on behalf of two or more attaching creditors simultaneously, the provisions of the preceding several articles apply mutatis mutandis thereto

Article 620 A creditor with an executory exemplification, and a creditor who is entitled in pursuance of the Civil Code to demand distribution, can demand distribution up to the time when the attaching creditor collects the claim and reports the fact to the Court of execution or when the bailiff receives the proceeds To a creditor demanding distribution without having an executory exemplification, the provisions of Art 590 and of Art 591, pars 2 and 3 apply

Where an order of assignment of the right inplace of payment has been made, distribution can no longer be demanded

The demand for distribution shall be served by the [illegible]

tion in virtue of executory exemplifications in the order of assertion of their demands

Article 621 On service being effected of a demand for the distribution of the proceeds of a money claim, the garnishee is entitled to deposit the amount of the debt

Upon the demand of a creditor who is a party to the distribution, the garnishee is bound to deposit the amount of the debt

Where the amount of the debt is deposited, the garnishee shall report to the Court the position of affairs

Article 622 Where the claim relates to an immovable, the garnishee is entitled, and on the demand of the [illegible]

is situated, at the same time stating the position of affairs to the sequestrator and handing over the order served on him

Article 623 Where the garnishee fails to fulfill his obligations in respect of the collection procedure, the attaching creditor may by an action enforce the fulfilment thereof

Every creditor with an executory exemplification is entitled to join the plaintiff as co-litigant

The garnishee against whom the action has been brought may, up to the first day for oral proceedings, enter an application that those creditors who have not joined the plaintiff shall be summoned as co-litigants

In such case the decision rendered takes effect for and against the creditors summoned

Article 624 When the attaching creditor has neglected collection, he may be called upon, by any creditor demanding distribution in virtue of an executory exemplification, to collect the claim within a fixed term Where such demand produces no effect, the creditor who has made the same may, with the permission of the Court of execution, himself collect the claim

Article 625 The provisions of this Subsection apply mutatis mutandis to executions of which immovables do not form the subject, and which relate to property rights other than those specified in the preceding several articles

Where there is no garnishee, the attachment is deemed effected at the day and hour when service is effected on the debtor of the injunction refrain from any disposition of his right

In such case the Court may order special measures to be taken, in particular, it may direct the administration or the transfer of the right

Subsection IV Distribution Procedure

Article 626 Distribution procedure takes place where, in the case of execution against movable property, a sum of money has been deposited by reason of the creditors having failed, within a term of fourteen (14) days counting from the time of auction or the day of the attachment of money, to arrive at any agreement

Article 627 On receipt of the report of the position of affairs, the Court shall call upon each creditor to file, within a term of seven (7) days, an account of his claim in principal, interest, costs, and other accessory items.

Article 628. After expiration of the term in the preceding Article specified, the Court shall prepare a scheme of distribution

In preparing the scheme of distribution, the claim of a creditor, who has failed to observe the term, is calcu-

lated on the basis of the contents of the demand for distribution and of the report and the documentary evidence attached thereto.

Subsequent supplementing of the amount of such claim is not allowed.

Article 629. The Court shall appoint a time for the making of statements with regard to the scheme of distribution and for carrying out the distribution. All the creditors and the debtor shall be summoned to such hearing time. The debtor need not be summoned if his whereabouts is unknown or if he is abroad.

The scheme of distribution shall be deposited at the Court, at the latest three (3) days prior to the hearing time, for the inspection of the creditors and of the debtor.

Article 630. Where no objection is offered at the hearing time, the distribution shall be carried out in accordance with the scheme.

Amounts falling to claims with a condition precedent are, however, to be deposited, and they are to be paid out or redistributed, as the case may be, according to the Civil Code, as the condition is fulfilled or found impossible to be fulfilled.

Every amount falling to claims, which come under Art. 591, par. 3 or respecting which provisional attachment has not yet been effected, or falling to claims, against which objection is raised, is likewise to be deposited.

A protocol is to be drawn up respecting the carrying out of the distribution.

Article 631. If objection is raised all the other creditors shall forthwith declare themselves. If the objection is recognized by those concerned to be well founded, or if an agreement is otherwise come to, the scheme shall be amended and distribution carried out accordingly.

Where the objection is not adjusted, the distribution scheme is to be carried out to the extent not affected by the objection.

Article 632. Where a creditor does not appear at the hearing time, he is to be deemed to have assented to the carrying out of the scheme.

Where a creditor who has not appeared at the hearing time is concerned in the objection raised by another creditor, he is to be deemed to have disallowed such objection.

Article 633. Where the objection is not adjusted at the hearing time, the objecting creditor shall, within a term of seven (7) days counting from the hearing time, prove to the Court that he has instituted an action against the other creditors. Where such term expires without result, the carrying out of the distribution scheme shall be directed by the Court regardless of the objection.

Article 634. Even when a creditor objecting has not observed the term specified in the preceding Article, his right to assert by an action a right of preference against the creditors who have received payment in pursuance of the scheme, is not affected by the carrying out of such scheme.

Article 635. An action brought by a creditor who has lodged the objection shall fall under the jurisdiction of the Court of distribution.

Article 636. The judgment deciding the objection shall also determine the creditors to whom and the amounts in which the disputed portion of the distribution funds is to be paid out. Should this course not be deemed expedient, the judgment shall direct the preparation of a fresh scheme of distribution and fresh distribution procedure.

Article 637. Where the objecting creditor has failed to appear at the time appointed for oral proceedings, the objection is deemed to have been withdrawn.

Article 638. Where it is proved that the judgment mentioned in Art. 636 has become final and conclusive, or that the objection is deemed to have been withdrawn in accordance with the provisions of the preceding article, the Court of distribution shall, by virtue of the judgment, order payment to be made or some other steps of distribution taken.

Article 639. The Court shall carry out the distribution according to the provisions of the following formalities and in conformity with the scheme of distribution.

Where a creditor is to receive the total amount of his claim, the Court shall deliver to him an order for the payment of the same on surrender of the executory exemplification or the document establishing the claim which is in his possession, which shall then be delivered to the debtor.

Where a creditor is to receive a part only of the amount of his claim, the Court shall cause the executory exemplification or the document establishing the claim to be produced by the creditor and, after noting thereon the amount of the distribution, shall return it. The creditor receives an order for the payment of the amount of the distribution on producing a receipt for the amount, and such receipt shall be delivered to the debtor.

The amount to be distributed to a creditor failing to appear at the hearing time is to be deposited.

The course of the above procedure is to be recorded by protocol.

Section II. Execution Against Immovables
Subsection I. General Provisions

Article 640. Execution against immovables is effected by way of:

1. Compulsory sale by auction;
2. Compulsory administration.

It is at the option of the creditor to have one of these measures taken, or to have them both carried out concurrently.

Compulsory administration takes place also for the

purpose of giving effect to an order or provisional attachment

Article 641 The Court competent as Court of execution in execution against immovables is the District Court within the district of which the immovables are situated If such immovables are situated in the districts of several different Local Courts, each District Court has jurisdiction In this case if the Court deems it necessary so to do, it may transfer the matter to another competent District Court

The execution is effected by the Court upon application

Subsection II Compulsory Sale By Auction

Article 642. The application for a compulsory sale by auction must contain

1 Designation of the creditor, of the debtor, and of the Court,

2 Designation of the immovable,

3 A definite statement of the claim, on account of which the sale by auction is to be effected, and of the definite executory title of debt

Article 643 The following documents are to be annexed to the application in addition to the executor exemplification

1 A certificate of the Registrar to that effect, if the immovable is registered as owned by the debtor,

2 If the immovable is not registered in the Register, documents which prove that the debtor is the owner,

3 In the case of land, documents showing the province and county, the city, town or village, the aza, the number and nature of the land, its extent in tan or in tsubo, and its value as entered in the Land Register, as well as the taxes and other public imposts annually payable in respect thereof,

4 In the case of buildings, documents showing the province and county, the city, town or village, the aza and the number, the kind of construction, the area in tsubo, and the public imposts annually payable in respect of the buildings,

5 If there is a lease on the land or buildings, documents showing the duration thereof and the amount of the rent

With regard to the requirements of Nos 2, 3 and 4, the creditor may demand certificates from the authorities keeping the public record

Where the creditor is not able to comply with the requirements of Nos 4 and 5, he may, on making his application for sale by auction, move the Court of execution to investigate the matter In such case the Court of execution shall direct a bailiff to make enquiries.

Where the immovable has previously been seized for the purpose of compulsory administration and the requisites of Nos 1 to 5 are contained in the execution record, the documents (thereby required) need not be annexed

Article 644 The rule initiating auction procedure shall also declare that the immovable is seized for the benefit of the creditor

The seizure does not hinder the debtor from using and administering the immovable

The seizure is effected by service of the rule on the debtor Service is made by the Court ex officio

Article 645 The Court cannot, even upon application, rule the initiation of a fresh compulsory procedure in respect of an immovable with regard to which the initiation of auction procedure has already been ruled

Such application, if annexed to the execution record, produces the effect of a demand for distribution, or if the auction procedure already initiated is annulled, the effect of obtaining a rule for the initiation (of a fresh auction procedure), but this only in so far as may be compatible with the provisions of Art 649, par 1

The provisions of this article do not apply to immovables of which provisional attachment has been ordered

Article 646 A demand for distribution shall be directed to the Court of execution, in which demand a statement is to be made of the grounds and in the case of a person who has neither residence nor business premises at the place where the Court has its seat, also of a provisional domicile elected at such place

The demand may be made up to the termination of the time fixed for adjudication

Article 647 The Court of execution shall notify the persons interested of the application and demand in the preceding two articles specified

Where a creditor demands distribution otherwise than by virtue of an executory exemplification, the debtor shall, within a term of three (3) days reckoned from the time of notification, declare to the Court whether he admits the claim or not

On receipt of notification from the Court that the debtor does not admit the claim, the creditor shall, within a term of three (3) days reckoned from the time of notification, institute an action against the debtor and establish his claim

Article 648 The following are deemed persons interested in the execution procedure

1. The execution creditor and creditors demanding distribution by virtue of executory exemplifications,

2. The debtor,

3 The registered persons entitled to rights over the immovable,

4 Those persons who have sent in notifications for insertion in the execution record, proving therein their claims as persons entitled to rights over the immovable

Article 649 No sale of the immovable may take place unless those charges over the immovable, which apper- [illegible]

cleared out of the proceeds

By the sale are terminated all the preferential rights

and mortgages over the immovable.

In case a lien exists over the immovable, the successful bidder is answerable for satisfying the claim secured by such lien.

In case a pledge exists over the immovable, the successful bidder is answerable for satisfying the claim secured by such right and also those of persons having rights of priority against the pledgee.

Article 650. The third acquirer of a right cannot plead good faith against the effects of a seizure, if at the time of acquisition he knew of the seizure or the application for sale by auction.

Where the immovable is already bound for the claim in respect of which the seizure took place, the auction procedure shall be continued against the new owner, provided that the ownership passed to him after the seizure, even though at the time of acquisition he did not know either of the seizure or of the application for sale by auction.

The seizure is terminated by the withdrawal of the application for sale by auction.

Article 651. On rendering the rule initiating the auction procedure, the Court shall ex officio request the Registrar to enter in the register the application for sale by auction.

The Registration Judge shall make entries in compliance with the request in the preceding paragraph mentioned.

Article 652. After making the entry in the preceding Article mentioned, the Registrar shall furnish the Court with a copy of the registration with extracts of any documents which may have been produced by persons having rights over the immovable.

Article 653. Where the communications made by the Registrar disclose facts which, if they had been previously known, would have prevented the initiation of the procedure, the Court shall, according to the circumstances, either annul the procedure forthwith or direct the creditor to show, within a term which it is to fix according to its discretion, that the impediment has been removed. After the expiration of the term, the procedure shall be annulled by the Court of its own motion if, in the meantime, the required evidence is not forthcoming.

Article 654. When the rule initiating the procedure is rendered, the Court shall communicate the same to the authorities in charge of taxes or other public imposts, and shall, at the same time, call upon such authorities to declare within a fixed term whether, and to what amount, they have claims in respect of the immovable.

Article 655. After communications of the Registrar and of the authorities in charge of taxes and other public imposts have been received, the Court shall have the immovable valued by an expert. The value as estimated shall be fixed as the reserve price.

Article 656. If after deducting the amounts which would satisfy all those charges over the immovable which have the preference over the claim of the execution creditor as well as the costs of the procedure, the reserve price would in the opinion of the Court yield no surplus, the Court shall notify the execution creditor thereof.

If, within a term of seven (7) days reckoned from the time of notification, the execution creditor fails to give sufficient security fixing a sum which will yield a surplus after satisfying the charges in the preceding paragraph mentioned and the costs of the procedure and offering to purchase the immovable himself at such sum in the event of no bidder appearing the auction procedure shall be annulled.

Article 657. Where in the opinion of the Court a surplus will be obtainable after satisfying the claims specified in the first paragraph of the preceding Article and the costs of the procedure, or where the execution creditor, on making his offer in accordance with the second paragraph of the preceding Article, has given sufficient security, the Court shall of its own motion appoint and publicly notify a time for the auction and a time for the adjudication.

Article 658. The public notification of the time for auction must contain:

1. Designation of the immovable;
2. The taxes and other public imposts;
3. If a lease exists, the duration thereof and the amount of rent;
4. A statement that the auction takes place by way of execution;
5. The place, day, and hour of auction, and the name and domicile of the bailiff who is to undertake the auction;
6. The reserve price;
7. The place and day and hour of the adjudication;
8. A statement of the place where inspection may be had of the execution record;
9. A summons to those having rights over the immovable, which do not require to be entered in the register, to declare their claims;
10. A summons to those interested to appear at the time of auction.

Article 659. The time of auction is to be fixed for a date fourteen (14) days at least after the day of public notification.

The auction is held by the bailiff either at the Court or at some other place according to the Court's discretion.

Article 660. The time for adjudication cannot be fixed for a date more than seven (7) days after the time of auction.

The adjudication is held at the Court.

Article 661. Public notification of the time of auction is effected by means of a placard:

1. On the notice-board of the Court;
2. On the notice-board of the city, town or village,

wherein the immovable is situated

It is in the discretion of the Court to effect the notification also by insertion in one or more newspapers

Article 662 Modification of the conditions of sale in this Subsection specified, with the exception of the reserve price, is admissible, provided that such modification is agreed to by all the persons interested. Such agreement may be effected up to the time of auction

Article 663 After opening the proceedings at the auction the process-server shall produce the execution record for general inspection, make known the special

documentary securities, equivalent to one tenth of the amount of his bid, the bid is to be disregarded

The application must be made immediately after the bid and holds good also with regard to further bids on the part of the same bidder

Article 665 Every bidder whose bid has been received remains bound by it until a higher bid is received

The auction may not be closed until the expiration of a full hour after the invitation is given to bid

Article 666 The bailiff, after proclaiming the name of the highest bidder and the amount of the highest bid, shall announce the close of the auction

As a result of such announcement every other bidder is discharged from being bound by his bid, and is entitled to demand the immediate return of any security which he may have furnished

Article 667 The protocol to be drawn up respecting the auction must contain

1 Designation of the immovable,

2 Designation of the execution creditor,

3 A statement that the execution record has been produced for general inspection and that special conditions of sale, if any, have been made known,

4 A statement of the day and hour when bids were invited,

5 A statement of all the bids specifying the bidders by name, and their domiciles or, where no admissible bid has been made, a note to such effect,

6 A statement of the day and hour when the close of the auction was announced,

7 A statement that security was furnished on

8 A statement that the name of the highest bidder and the amount of the highest bid have been proclaimed

The highest bidder and those persons interested who have appeared shall sign and seal the protocol If they have left prior to the drawing up of the protocol, such fact shall be additionally noted in the protocol

Where a return is made of sums of money or documentary securities which have been handed in as security for a bid, the bailiff shall take a receipt therefor and annex it to the protocol.

Article 668 The protocol and all sums of money and documentary securities handed in as security and not returned shall, within three (3) days, be delivered to the Court Clerk by the bailiff.

Article 669 Where the highest bidder has neither residence nor business premises at the place where the Court of execution has its seat, he shall elect a provisional domicile at such place and shall notify the Court thereof In the event of his failure to do so, the provisions of the Art 170, par 2 and Art 173 apply mutatis mutandis

The election of a domicile can be made orally before the bailiff for record by protocol

Article 670 If no admissible bid has been made at the time of auction, the Court, in the exercise of its discretion and subject to the provisions of Art 649, par. 1, shall reduce the reserve price to a reasonable extent and appoint a fresh time for auction The same applies where at the fresh time of auction no admissible bid is still received

The fresh time of auction is to be fixed for a date at least fourteen (14) days after (the time of the previous auction)

Article 671 The Court shall require persons interested, present at the time for adjudication, to declare themselves with regard to the admissibility of adjudication

Any objection to the admissibility of adjudication is to be raised before the termination of the time for adjudication. The same applies to declarations against objections already raised

Article 672 An objection raised to the admissibility of adjudication must be based on the ground.

1 That execution is inadmissible or should not be continued,

2 That the highest bidder is without capacity to conclude the contract of sale or to acquire the immovable in question,

3 That the auction took place in contravention of the legal conditions of sale, or that the legal conditions of sale were modified without the concurrence of all the persons interested,

4. That the public notification of the time of auction did not comply with the requirements prescribed by Art 658,

5 That the public notification of the time of auction was not made in the manner prescribed by law,

6 That the term specified in Art. 659 was not observed,

7. That the provisions of Art. 665, par. 2 and/or Art. 666, par. 1 were not satisfied,

8 That a bidder was proclaimed to be the highest

bidder contrary to the provisions of Art. 664.

Article 673. An objection cannot be based on grounds which concern the rights of persons interested other than the person raising the objection.

Article 674. In the event of the Court holding that the objection is well founded, adjudication is to be refused.

Adjudication is to be refused also by the Court ex officio if any of the circumstances specified in Art. 672, Nos. 1 to 8, is present; in the case of No. 1, however, only if the immovable put up to auction is unassignable or if the auction procedure has been stayed; in the case of No. 2, only if the want of capacity or qualification is not made good; in the case of No. 3, only if the persons interested have failed to acquiesce in the continuation of the procedure.

Article 675. Where the proceeds of one or more of several immovables to be sold by auction will suffice to satisfy all the creditors and to cover the costs of execution, adjudication in respect of the other immovables is to be refused.

In such case the debtor may specify the immovable or immovables to be sold.

Article 676. Where according to the provisions of Arts. 672 and 674 adjudication is to be refused absolutely, but a fresh auction is admissible, a fresh time for auction is to be fixed by the Court ex officio.

The fresh time for auction is to be fixed for a date at least fourteen (14) days after (the time of the previous auction).

Article 677. Unless a fresh time for auction is fixed as in the preceding Article prescribed, the rule granting the adjudication or refusing the same is to be pronounced.

The provisions of Arts. 142 to 147 apply mutatis mutandis to the protocol of the adjudication proceedings.

Article 678. Where in the period between the time of auction and the time of adjudication, the immovable has suffered a substantial diminution in value by reason of some act of heaven (God) or other accidental event, the person proclaimed the highest bidder is entitled to revoke his bid. It is for the Court, after taking into consideration the circumstances of the case, to decide as to whether the diminution in value is a substantial one.

Article 679. The immovable put up to auction, the successful bidder, and the bid upon which adjudication ensued, as well as the special conditions of sale (if any), are to be specified in the rule by which the adjudication is made.

The rule, in addition to being pronounced, shall be notified publicity by being affixed to the notice-board of the Court.

Article 680. Any person interested, who would be prejudiced by the rule refusing or granting adjudication may raise immediate complaint against it.

The successful bidder asserting that there is no ground for making adjudication to him, or that it should have been made to him under conditions other than those in the rule, and a bidder, who has demanded adjudication to himself and who asserts that it should have been made to him, are also entitled to raise immediate complaint.

The complaint works a stay of proceedings.

In the case of paragraph two, the bidder who has demanded adjudication to himself remains bound by his bid.

Article 681. The complaint against a rule refusing adjudication can be based only on the fact of the non-existence of all of the grounds for refusal specified in this Code.

The complaint against a rule granting adjudication can be based only on one of the grounds of objection to adjudication specified in this Code, or on the ground that the adjudication rule conflicts with the contents of the protocol of adjudication.

The provisions of the preceding two paragraphs do not preclude the founding of the complaint on the fact of the presence of the requisites for an action for renewal of procedure.

Article 682. If the Court of the complaint deems it necessary, it shall appoint an opponent of the complainant for the purpose of counter-declaration.

Two or more complaints against one and the same rule are to be joined.

The provisions of Arts. 673 and 674 apply mutatis mutandis in the complaint instance.

Article 683. A decision of the Court of the complaint modifying or annulling the rule of the Court of execution is to be notified publicly by the Court of execution by being affixed to the notice-board of the Court.

Article 684. Where the rule refusing the adjudication becomes final and conclusive, the sucessful bidder and the bidder who has demanded adjudication cease to be bound by their bids.

Article 685. Where in the case of Art. 678 adjudication is refused on account of revocation of the bid, the provisions of Arts. 655 to 657 apply mutatis mutandis.

Article 686. The successful bidder acquires the ownership of the immovable by the rule granting the adjudication.

Article 687. The successful bidder cannot demand delivery of the immovable until payment has been made in full of the amount of the purchase-money.

If the successful bidder or the creditor applies for the administration of the immovable by an administrator from the day of rendering of the rule which grants the adjudication until delivery, the Court shall direct the same.

In the event of the debtor refusing delivery, the Court,

upon the application of the successful bidder or of the creditor, shall through a bailiff, dispossess the debtor and cause the immovable to be delivered over to the administrator.

Article 688. Should the successful bidder fail at the time for the payment of the purchase-money to fulfill completely his obligation, the Court shall ex officio direct the immovable to be again put up to auction.

The reserve price fixed for the first auction and the other conditions of sale laid down for the same also hold good for the fresh auction procedure.

The fresh auction shall be fixed for a date at least fourteen (14) days after (the time of the previous auction).

If the successful bidder pays in the purchase-money and the costs of the procedure within three (3) days before the time appointed for the fresh auction, the fresh procedure shall be annulled

The former successful bidder shall not be admitted to bid at the fresh auction, he is liable for the deficit if the price realized in the fresh auction falls short of that of the first, as well as for the costs of the procedure, and he has no claim to the excess if the former is higher than the latter

Article 689 In the case of a share in a property held in common being put up to compulsory auction, an entry in the register shall be made to the effect that by reason of the claim of the creditor application has been made for the sale by auction of the share of the debtor, the co-owner (s) shall be notified of the application for auction

The reserve price shall be fixed in regard to the share of the debtor proportionately to the estimated value of the whole common property

Article 690. Where all the auction applications have been disposed of without any adjudication ensuing, the Court shall request the Registrar to cancel the entry made in accordance with the provisions of Art 651.

Article 691 If the rule granting the adjudication becomes final and conclusive and the purchase-money does not suffice to satisfy all the creditors participating in the distribution, distribution shall be made according to the Civil Code, the Commercial Code, and special laws

Article 692 Prior to the time fixed for adjudication, every creditor shall produce an account of his claims in principal, interest, costs, and other accessory items.

If a creditor fails to comply with the provisions of the preceding paragraph, the provisions of Art 628, par. 2 apply mutatis mutandis

Article 693 The payment and distribution of the purchase-money take place at a time to be fixed by the Court ex officio after the rule granting the adjudication has become final and conclusive.

The persons interested, the creditors demanding distribution otherwise than in virtue of executory exemplifications, and the successful bidder shall be summoned to appear at the time fixed.

Article 694 The first business to be transacted at the appointed time is to fix the amount of the proceeds of immovable available for distribution

The following constitute the proceeds

1. The purchase-money,

2 Where the immovable brings in fruits or other profits which can be calculated in money, the interest falling to the period between the day of pronouncing the rule of adjudication and the day of the payment of the purchase-money

Payment of the purchase-money shall be made to the Court.

Any sum of money deposited as security for the highest bid is to be placed to account of the purchase-money

Article 695 After hearing those persons interested and those creditors demanding distribution otherwise than in virtue of executory exemplifications, who have appeared, the Court shall confirm the scheme of distribution

Article 696. In the scheme of distribution shall be entered the proceeds, the claim of each creditor in principal, interest, and costs, the order in rank of distribution, and the rate of distribution

If all the persons interested and the creditors demanding distribution otherwise than in virtue of executory exemplifications, who have appeared, are agreed, the scheme of distribution shall be prepared in accordance with such agreement

Article 697 Subject to any special provisions con- [illegible] same.

Article 698 The debtor who appears at the time appointed is entitled to raise objections to the claim of any creditor or against the order in rank asserted for such claim

In his own interests, every creditor appearing has the same right as provided in the preceding paragraph as against any other creditor.

Objections on the part of the debtor to an executory claim are disposed of in accordance with the provisions of Articles 545, 547 and 548.

Article 699. At the time of carrying out the scheme of distribution, the successful bidder, in addition to taking over the charges on the immovable in pursuance of the conditions of sale, may, with the consent of the creditors concerned, take over the debts up to the amount of the purchase money in lieu of the payment of the same. If a creditor is himself the successful bidder, the amount distributed on his claim is counted as purchase money and becomes extinguished up to the amount of such purchase money. Insofar, however, as any admissible objection affects any debt which is to be taken

over or the claim of the successful bidder which is to be brought into account, the corresponding portion of the purchase money shall be deposited or security shall be furnished therefor.

Article 700. When the scheme of distribution has been carried out, the Court shall forward to the Registrar the protocol of the distribution and the exemplification of the rule of adjudication and request him:

1. To register the (acquisition of the) ownership by the successful bidder;

2. To cancel the entries of charges over the immovable not taken over by the successful bidder;

3. To cancel the entry made in pursuance of the provisions of Article 651.

The costs of registration and cancellation are to be borne by the successful bidder.

Article 701. Where an immovable is put up to auction on behalf of two or more execution creditors simultaneously, the provisions of the several preceding Articles apply mutatis mutandis to the procedure.

Article 702. Upon the application of the persons interested or ex officio, the Court may direct, prior to the public notification of the time of auction, selling by tender instead of an auction. The provisions of the several preceding Articles apply mutatis mutandis to selling by tender, subject to any special provisions laid down in the following several articles.

Article 703. At the time appointed the tenders shall be delivered into the hands of the bailiff.

The tenders must contain:

1. The name and domicile of the bidder;
2. Designation of the immovable;
3. The amount of the bid.

Article 704. The bailiff shall openly read out the bids in the presence of the bidders.

If there are two or more bids of the same amount, the bailiff shall cause the bidders to make a supplementary bid, and shall determine the highest bidder accordingly.

No bid in writing is admissible in which the purchase money is not expressed by a fixed sum of money but only relatively to other bids.

Article 705. If the person proclaimed the highest bidder fails to furnish security demanded from him in accordance with the provisions of Article 644, the next highest bidder shall be held to be the highest bidder. In this case the bidder first proclaimed is bound to bear the difference between the amount of his bid and that of the next highest bid.

Subsection III. Compulsory Administration

Article 706. The provisions of Articles 642 and 643, or Article 644, paragraphs 1 and 3, and of Articles 651 to 654 apply mutatis mutandis to compulsory administration.

Where the immovable is itself bound for the claim of the creditor, a document rendering credible the fact that the immovable is in the possession of the debtor suffices instead of the documents to be produced in pursuance of Article 643, Numbers 1 and 2.

Article 707. In the rule initiating the compulsory administration, the Court shall forbid the debtor from interfering in the management of the administrator and from disposing of the income of the immovable, and shall direct third persons from whom the income thereof is derivable to render it in future to the administrator.

To the income belong the fruits which are gathered as well as those which have yet to be gathered, and the fruits which are due as well as those which have yet to become due.

The initiatory rule becomes operative against third persons on service thereof being effected. Service is effected by the Court ex-officio.

Article 708. Not even upon application can the Court rule in the initiation of a fresh compulsory administration with respect to an immovable regarding which the initiation of a compulsory administration has already been ruled.

Such application produces the effect of a demand for distribution on the annexing thereof to the execution record, or if the compulsory administration already initiated is annulled, the effect of a rule for the initiation of compulsory administration.

The provisions of this Article do not apply to immovables of which provisional seizure has been ordered.

Article 709. A demand for distribution shall be based on an executory exemplification and shall be made to the Court of execution; a person having neither residence nor business premises at the place where the court has its seat shall elect a provisional domicile at such place.

Article 710. The Court of execution shall notify the creditor, the debtor, and the administrator of the application and demand specified in the preceding two Articles.

Article 711. The Court shall appoint the administrator. The creditor may recommend a suitable person for the post.

For the purposes of administration and of collection of the income, the administrator is empowered to place himself in possession of the immovable. If in so doing he encounters resistance, he may cause a bailiff to be present (as a witness). A person appointed administrator is authorized to collect in the place of the debtor the income to be rendered by third parties.

Article 712. After hearing the creditor and the debtor and, if expedient, calling in an expert, the Court shall furnish the administrator with the requisite instructions regarding the administration, fix the remuneration to be given to the administrator, and supervise his management of affairs.

The Court may require the administrator to furnish security, can punish him with a fine up to twenty (20) yen, or may dismiss him.

Article 713. Where a third person asserts in respect

of the immovable a right which would render the compulsory administration inadmissible, the provisions of Article 549 apply mutatis mutandis

Article 714 The costs of the administration are forthwith paid by the administrator without further procedure out of the income obtained from the immovable after deducting the taxes and other public imposts If the creditors fail to agree with respect to the distribution of the surplus, the administrator shall inform the Court of the fact

Upon receipt of such information, the Court, by applying mutatis mutandis the provisions of Article 691 and Articles 696 to 698, shall prepare a scheme of distribution and cause the administrator to make payment to the creditors on the basis of such scheme

Article 715 The administrator shall render an account to each creditor, the debtor, and the Court annually, as well as upon the conclusion of his administration

Each creditor and the debtor may raise objection to such account in the Court of execution within a term of seven (7) days reckoned from the date of service thereof

If no objection is raised within the above term the creditors and debtor shall be deemed to have no objection to make to the account and to concur in the discharge of the administrator

If objection is raised, the Court shall decide with respect thereto after hearing the administrator If no objection is raised, or if an objection which has been raised has been disposed of, the Court shall discharge the administrator

Article 716 Annulment of a compulsory administration is effected by a rule of the Court

The annulment is effected by the Court ex officio, when all the creditors have been satisfied out of the income of the immovable

The Court may direct annulment of the compulsory administration, if the continuation of the administration requires special expenditures and the creditor fails to advance the requisite money

The Court, on ruling the annulment, shall request the Registrar to cancel the entry relating to the compulsory administration

Section III Execution Against Ships

Article 717 Execution against merchant ships or other seagoing vessels is effected in accordance with the provisions relating to the compulsory auction of immovables, subject to such modifications as may be required [illegible]

and other vessels exclusively or mainly propelled by oars

Article 718 In regard to the compulsory auction of a ship, the competent Court of execution is the District Court of the port in which the ship is lying at the time of seizure

Article 719 During the course of the execution procedure the ship shall remain at the port where she lay at the time of seizure Where, however, it appears advisable with a view to commercial advantages, she may, upon the application of all the persons interested, be allowed by the Court to proceed to sea

Article 720 There shall be annexed to the application for compulsory auction

1 A document rendering [illegible] credible that the debtor, [illegible]

extract from the same containing all the entries which have been made with regard to the ship and which still hold good

Where the authority with whom the shipping register is kept is at some distant place, the creditor may apply to the Court of execution for a request to be addressed by the Court to such authority to forward the extract mentioned in No 2

Article 721. Upon the application of the creditor the Court shall cause to be taken the measures necessary for watching and maintaining the ship

The taking of these measures produces the effect of seizure even before service of the initiatory rule had been effected

The Court may annul these measures, if the money requisite for their continuance is not advanced by the creditor

Article 722 Where a ship has been seized on behalf of a ship's creditor in virtue of a judgment rendered against the master, such seizure operates also against the owner In such case the owner becomes a person interested in the procedure

A change of owner or master occurring subsequently to the seizure does not hinder the continuation of the procedure

If a new master comes in after the seizure, he becomes a person interested In such case the former master is discharged from his liability as a person interested

Article 723 If it appears that at the moment of seizure the ship was not within the district of the particular Court, the procedure shall be annulled

Article 724 The public notification of the time appointed for auction shall contain, in place of the particulars specified, in Article 658, No 1, a designation of the ship and of the place where she is lying

Article 725 If the seizure has taken place out of the district of the District Court in which the home port of the ship is situated, the Court of execution shall forward to the District Court of the ship's home port the public notification of the time fixed for auction and request such Court to affix such notification on its notice-board

Article 726 Execution against a share in a ship is effected according to the provisions of Article 625. The

Court competent for the execution is the District Court of the home port.

Article 727. To the motion for an order of seizure the creditor shall annex an extract from the shipping register showing the share of the debtor in the ship or a credible certificate concerning the same.

The order of seizure is to be served on the ship's husband as well as on the debtor.

The seizure is equally effected by its order being served on the ship's husband as by the service thereof on the debtor.

Article 728. The provisions of Article 626 and the articles following the said article apply mutatis mutandis to distribution of the proceeds of a ship's share put up to auction.

Article 729. Where a foreign ship or a ship not entered in the shipping register is seized, the provisions relating to entries of the procedure in the shipping register do not apply.

Chapter III. Execution in Respect of Claims Other than for the Payment of Money

Article 730. Where the debtor has to deliver up a specific movable or a definite quantity of tangibles, the same is to be taken away from the debtor by the bailiff and handed over by him to the creditor.

Article 731. If the debtor has to hand over or vacate an immovable or an inhabited ship, the bailiff shall dispossess him and place the creditor in possession.

Execution may not take place, unless the creditor or his agent has appeared for the purpose of taking over the thing.

Movables, which are not subject matters of the execution, are to be set apart by the bailiff and handed over to the debtor, or, if he is not present, to his agent or to any of the adult relatives with whom the debtor resides or to any of the persons serving in his family.

If neither the debtor nor any of the above mentioned persons is present, the things are to be placed in safe-keeping by the bailiff at the cost of the debtor.

If the debtor neglects to take delivery of the things, the bailiff shall, with the permission of the Court of execution, sell the same in accordance with the provisions respecting the sale by auction of things seized, and shall, after costs, deposit the purchase money.

Article 732. Where a thing, which is to be handed over, is in the hands of a third person, the claim of the debtor for the delivery thereof shall, on the application of the creditor, be transferred to the latter in conformity with the provisions relating to the attachment of monetary claims.

Article 733. In cases provided for by Article 414, paragraphs 2 and 3 of the Civil Code, the Court of the suit in first instance shall, upon application, render a rule in conformity with the provisions of the Civil Code.

The creditor may at the same time apply for the pronouncing by rule that the costs to which the performance of the act gives rise shall be paid by the debtor in advance, without prejudice to the right to make a supplementary demand of the performance of the act occasions a larger expenditure.

Article 734. Where the obligation of the debtor admits by its nature of compulsory performance, the Court of the suit in first instance must, by rule upon application, either appoint a reasonable term for performance and direct the payment of a fixed amount of damages in proportion to the delay if he fails to perform within such terms, or direct the immediate payment of damages.

Article 735. The rules to be rendered in conformity with the preceding two Articles can ensue without oral proceedings. The debtor is to be heard prior to the ruling.

Article 736. If the debtor is ordered by judgment to admit the existence of a relation of right or to make some other expression of intention, such admission or expression of intention is deemed to have been made upon the judgment becoming final and conclusive. If the admission or the expression of intention is to be made dependent on some counter performance, such effect is produced when in accordance with the provisions of Articles 518 and 520 an executory exemplification has been issued.

Chapter IV. Provisional Attachment and Provisional Disposition

Article 737. Provisional attachment may take place for the purpose of securing execution against a movable or an immovable in respect of a money claim or in respect of a claim which can be converted into a money claim.

Provisional attachment may take place even in respect of a claim not yet due.

Article 738. Provisional attachment may take place where it is to be apprehended that, failing such measure, execution of the judgment would be impossible or that material difficulty in the execution thereof would be caused; in particular, if the judgment would have to be executed abroad.

Article 739. The Court competent to order provisional attachment is the District Court in the district of which is situated the object against which provisional

attachment is to be made, or the Court having jurisdiction over the suit

Article 740 The motion for the provisional attachment shall contain·

1 Designation of the claim, and in cases where the claim does not consist of a sum certain of money a statement of the money value;

2 A statement of the facts which form the grounds for the provisional attachment

Both claim and grounds for provisional attachment are to be rendered credible

The motion may be made orally

Article 741. The decision respecting the motion for provisional attachment may be given without prior oral proceedings

The Court may direct provisional attachment, even though the claim or the grounds for provisional attachment are not rendered credible, provided that the creditor furnishes such security as the Court may fix in the exercise of its free discretion for the damage menacing the debtor by such attachment

The Court may make the order of provisional attachment dependent on security being thus furnished, even though the claim and the grounds for provisional attachment are rendered credible

If security is furnished, such fact and the manner in which it has been done, shall be mentioned in the order of provisional attachment

Article 742 If oral proceedings take place, the decision on the motion for a provisional attachment ensues by means of a final judgment, in the contrary case, by means of a rule

A decision dismissing the motion for provisional attachment or directing the furnishing of security need not be notified to the debtor

Article 743 In the order of provisional attachment the sum of money shall be specified which the debtor will have to deposit in order to stay the carrying out of the provisional attachment, or to effect the annulment of the provisional attachment if already carried out

Article 744 The debtor may raise objection against a rule for provisional attachment

The objection shall be justified by a statement of the grounds on which annulment or a modification of the provisional attachment is applied for

The raising of objection does not operate to stay the carrying out of the provisional attachment

Article 745 If objection is raised the Court shall summon the parties to oral proceedings

The Court may, by means of a final judgment, entirely or partially confirm, modify, or annul the provisional attachment, it may also, when pronouncing such judgment, make the confirmation, modification or annulment thereof conditional upon the furnishing of security to be fixed by it according to its free discretion

Article 746 If the suit is not yet pending, the Court of provisional attachment shall, upon the application of the debtor and without oral proceedings, direct that the creditor is to institute his action within such a term as it may suitably fix

When this term has without result, the provisional attachment shall upon the application of the debtor, be annulled by a final judgment

Article 747 Even after confirmation of the provisional attachment, the debtor may apply for its annulment by reason of the grounds for provisional attachment ceasing to exist, or of other alterations in circumstances, or by tendering such security as the Court may fix in the exercise of its free discretion

The decision respecting the application shall be rendered by a final judgment, it is given by the Court which has directed the provisional attachment or, if the suit is pending, by the Court of the suit

Article 748 The provisions relating to execution apply mutatis mutandis to the carrying out of the provisional attachment, subject to any modifications contained in the provisions of the following several articles

Article 749 Orders of provisional attachment require the execution clause only where, after the orders are issued, a succession has intervened on the side of the creditor or on that of the debtor

The carrying out of an order of provisional attachment is admissible if, since the day on which the order was pronounced or was served on the applicant, a term of fourteen (14) days has elapsed without result

The order may be carried out even prior to service of the same on the debtor

Article 750 Provisional attachment of movable property is carried out on the same principles as any other attachment

The Court by which the order of provisional attachment was issued is competent as the Court of execution in the case of provisional attachment of a right of claim

For the purpose of the provisional attachment of a claim, an order is merely required prohibiting garnishee from making payment to the debtor

Money under provisional attachment is to be deposited

The auction sale of other property under provisional attachment, or the realization of documentary securities under provisional attachment, may be temporarily postponed The Court of execution may, however, on application, direct the bailiff to sell any such thing by auction and deposit the proceeds, if it is exposed to the danger of a material diminution in value or the custody thereof would occasion disproportionate expense.

Article 751 The provisional attachment of immovables is carried out by entering the order of provisional attachment in the register

Article 752 If compulsory administration ensues for the purpose of carrying out provisional attachment, amounts up to the amounts of the claim secured shall be

collected and deposited.

Article 753. The carrying out of the provisional attachment of a ship is effected by the detention of the ship in the port in which she is lying at the time of the attachment. Upon the application of a creditor, the Court causes such measures to be taken as are necessary for watching and maintaining the ship.

Article 754. Where the sum of money named in the order of provisional attachment is deposited, the Court of execution shall annul the provisional attachment already carried out.

The Court of execution may also direct the annulment of the provisional attachment, if the continuance thereof demands special expenditure and the creditor fails to advance the necessary amount of money.

The decision may ensue without oral proceedings.

Immediate complaint may be raised against a rule by which the provisional attachment is annulled.

Article 755. Provisional dispositions are admissible in respect of the subject matter in dispute, if it is to be apprehended that by reason of a change in the existing situation the realization of the right appertaining to a party would be impossible or that material difficulty in the realization thereof would be produced.

Article 756. The provisions relating to orders and procedure for provisional attachment apply mutatis mutandis to orders and procedure for provisional disposition, subject to such modifications as are contained in the provisions of the following several articles.

Article 756 (2). A judgment by which a provisional disposition is cancelled may be declared provisionally executory even when it does not concern a claim based on a property right.

Article 757. The Court competent to issue an order of provisional disposition is the Court having judrisdiction over the suit.

In urgent cases the decision may be rendered without prior oral proceedings.

Article 758. The Court in the exercise of its discretion determines what dispositions are requisite for attaining the object of the application.

Provisional disposition may consist in the appointing of a sequestrator, or directing an adversary to do, or to refrain from doing, an act, or to make a prestation.

If by a provisional disposition the assignment (alienation) or mortgaging of an immovable is prohibited, the Court shall cause the prohibition to be entered in the register, applying mutatis mutandis the provisions of Art. 751.

Article 759. Only under special circumstances, and on security being given, can the annulment of a provisional disposition be granted.

Article 760. Provisional dispositions are also admissible for the purpose of provisionally settling the state of affairs with regard to disputed relations of right; they can, however, only be made where they are necessary, in particular for averting material prejudice, or for preventing imminent violence (coercion) or for other reasons in cases of lasting (consecutive) relations of right.

Article 761. In cases of urgency the District Court within the district of which the subject matter in dispute is situated may direct a provisional disposition, at the same time fixing a term within which the applicant is to apply for the summoning of the adversary to oral proceedings before the Court having jurisdiction over the suit with respect to the legality of the provisional disposition.

If this term expires without result, the District Court shall, upon application, annul the provisional disposition directed.

The decision may be rendered without prior oral proceedings.

Article 762. The Court having jurisdiction over the suit in the meaning of the provisions of this Chapter is the Court of first instance or, if the suit is pending in appeal instance, the Court of Appeal.

Article 763. In cases of urgency the Presiding Judge may decide the applications referred to in this Chapter, provided that no oral proceedings are necessary.

Book VII

Public Summons Procedure

Article 764. A judicial public summons to declare claims or rights under pain of forfeiture of such claims or rights as a consequence of such declaration being neglected can be given only in the cases determined by law.

The Summary Court is the Court competent for public summons procedure.

Article 765. The application for a public summons may be brought orally or in writing.

The decision with respect to the application may be rendered without prior oral proceedings.

If the application is admissible the Court shall issue the public summons. The public summons shall contain in particular:

1. Designation of the applicant;
2. A summons to declare claims and rights up to the time fixed for proceedings under the public summons;
3. Warning of forfeiture of the right consequent on neglect to declare;
4. The appointment of a hearing time for proceedings under the public summons.

Article 766. The public notification of the public summons is effected by affixing it to the notice-board of

the Court, by insertion in the Official Gazette (Kwampō) or Public Advertiser (Kōhō)

Should the Court deem it proper so to do, it may order the public notice to be given by newspapers

Article 767 Unless the law otherwise prescribes, a period of at least two (2) months must lie between the day on which insertion is effected in the Official Gazette or the Public Advertiser and the time fixed for proceedings under the public summons

Article 768 A declaration made subsequently to the time fixed for proceedings under the public summons, but prior to the judgment of exclusion, is to be regarded as effected in proper time

Article 769 The judgment of exclusion shall be rendered on application

Prior to the rendering of such judgment, a detailed inquiry may be directed

Immediate complaint may be raised against a rule dismissing an application for the rendering of a judgment of exclusion, as also against limitations and reservations attached to the judgment of exclusion

Article 770 Where a declaration is made disputing the right alleged by the applicant in support of his application, either the public summons procedure shall be stayed until the decision with regard to the declared right becomes final and conclusive, or the declared right shall be reserved in the judgment of exclusion according to circumstances

Article 771 If the applicant has not appeared at the time fixed for proceedings under the public summons, a [illegible] ceedings under the public summons

Article 772 Where a fresh hearing time is appointed for completing the public summons procedure, no public notification of such hearing time is necessary

Article 773 The Court may publicly notify the material contents of the judgment of exclusion by means of insertion in the Official Gazette or the Public Advertiser

Article 774 No recourse is admissible against the judgment of exclusion

The judgment of exclusion may be attacked before the District Court having jurisdiction over the Court of the public summons by means of an action instituted against the applicant

1. If it was not a case in which the law authorizes public summons procedure,

2 If public notification of the public summons has not been made, or has not been made in a mode specified by law,

3 If the term of public summons has not been observed,

4. If the adjudicating Judge was excluded by virtue of law from exercising judicial functions,

5 If, notwithstanding a claim or right has been declared, the declaration thereof has not been considered in the judgment as by law required,

6 If it is one of the cases mentioned in Article 420, Numbers 4 to 8, and the conditions exist on which an action for renewal of procedure is permissible.

Article 775 The attacking action shall be instituted within the peremptory term of one (1) month. The term commences with the day on which the plaintiff acquired knowledge of the judgment of exclusion, in the case, however, where the action is based on one of the grounds for attacking the judgment in the preceding Article, Numbers 4 and 6 specified, and such ground had not yet come to the knowledge of the plaintiff on the said day, the term does not commence until the day on which the ground for attacking the judgment has become known to the plaintiff

After expiration of five (5) years from the day of pronouncing the judgment of exclusion, an action attacking it is no longer admissible

Article 776 The Court may direct that two or more public summonses shall be joined

Article 777 In the case of public summons procedure for the purpose of declaring invalid bills of exchange or promissory notes or cheques which have been stolen, lost, or destroyed, as well as documents which may be declared invalid under the provisions of the Commercial Code, the special provisions contained in the following several Articles apply

These provisions apply to other documents for which the (some other) law permits public summons procedure, in so far as it is not otherwise specially provided by such law

Article 778 In the case of documents which run to bearer or which are transferable by indorsement and furnished with (bear) an indorsement in blank, it is the last holder who is entitled to apply for public summons procedure

In the case of other documents, the person entitled to make the application is the one who may assert a right in virtue of the document

Article 779 The Court competent for the public summons procedure is the Court of the place of performance as designated in the document In the event of the document containing no such designation, the competent Court is the Court of the place where the person issuing the document has his general forum, or if there is no such Court, the Court of the place where the issuer had his general forum at the time of issue

Where the claim for which the document is issued is entered in a register, the Court of the place where the thing is situated is exclusively competent.

Article 780 By way of evidence of his application the applicant shall:

1 Produce a copy of the document or state the material contents of the document and everything

necessary for its complete identification;

2. Render credible the theft, robbery, loss, or destruction of the document, as well as those facts on the ground of which the application for public summons procedure is admissible.

Article 781. The holder of the document shall be summoned in the public summons to declare his right to the Court and to produce the document at the latest at the time fixed for proceedings under the public summons on pain of the document being declared void and the right forfeited.

Article 782. The public notification of the public summons is effected by affixing it to the notice-board of the Court, by insertion in the Official Gazette or the Public Advertiser, and by means of insertion in one or more newspapers three times.

If an Exchange exists at the place where the Court of the public summons has its seat, the public notification shall also be posted up at such Exchange.

Article 783. Between the day on which the public summons was inserted in the Official Gazette or Public Advertiser and the time fixed for proceedings under the public summons, a period of at least six (6) months must lie.

Article 784. In the judgment of exclusion the document shall be declared invalid.

The judgment of exclusion is to be publicly notified as to its material contents by means of the Official Gazette or the Public Advertiser.

If the declaration of invalidity is annulled by the judgment rendered in the attacking action, such judgment after it has become final and conclusive shall be publicly notified by means of the Official Gazette or the Public Advertiser.

Article 785. If a judgment of exclusion is rendered, the applicant is entitled, as regards the person or persons bound under the document, to assert the right based on the document.

Book VIII

Arbitration Procedure

Article 786. An agreement for the submission of a controversy to one or more arbitrators is valid in so far only as the parties are entitled to conclude a compromise with reference to the subject matter in dispute.

Article 787. An agreement to refer future controversies to arbitration has no effect, unless it relates to determined relations of right and the controversies arising therefrom.

Article 788. If no provision as to the nomination of arbitrators is contained in the agreement of submission, each party nominates an arbitrator.

Article 789. If both parties are entitled to nominate arbitrators, the pursuing party shall signify to the adversary in writing the arbitrator nominated by him and call upon the adversary to do the same on his side also within a term of seven (7) days.

If the term expires without result, the competent Court, upon the application of the pursuing party, nominates the arbitrator.

Article 790. A party having nominated an arbitrator is bound by such nomination as regards the adversary so soon as he has given him notice of the nomination.

Article 791. Where an arbitrator nominated otherwise than by the agreement of submission dies, or his position is vacated owing to some other cause, or he refuses to accept or carry out the functions of arbitrator, the party who has nominated him shall, upon the demand of the adversary, appoint another arbitrator within a term of seven (7) days. If this term expires without result, an arbitrator is nominated, on the application of the party from whom the demand proceeded, by the competent Court.

Article 792. The parties may refuse an arbitrator on the same grounds and under the same conditions as they could refuse a Judge.

Refusal may also take place where an arbitrator nominated otherwise than by the agreement of submission improperly delays the execution of his duties.

Incapacitated person, the deaf, the dumb, and persons who are deprived of or suspended from the enjoyment of public rights may be refused.

Article 793. The agreement of submission is no longer operative in the absence of previous provisions, arranged by the parties, for the following cases, namely:

1. Where, specified persons being nominated arbitrators in the agreement, any one of them dies, or his position is otherwise left vacant or he refuses to act, or withdraws from the agreement entered into by him, or improperly delays the execution of his duties;

2. Where the arbitrators notify the parties that their opinions are equally divided.

Article 794. The arbitrators, before making their award, shall hear the parties and make such inquiries into the circumstances underlying the controversy as they may deem necessary.

In the absence of any agreement of the parties as to the procedure, it shall be regulated by the arbitrators according to their discretion.

Article 795. The arbitrators may examine witnesses and experts who voluntarily appear before them.

The arbitrators are not empowered to administer the oath to a witness or an expert.

Article 796. An act bearing on an award which the arbitrators deem necessary to do, but which they cannot perform, shall, upon the application of a party and if the application is admissible, be performed by the competent Court.

The Court which has directed a witness or an expert to testify is also empowered to render the decisions which become necessary in the event of a refusal to testify or to give evidence.

Article 797. The arbitrators may continue the procedure and make the award even where a party asserts that arbitration procedure is inadmissible, and in particular where it is asserted that no valid agreement of submission exists, that the agreement of submission does not relate to the controversy to be decided, or that the arbitrators are not empowered to function as such

Article 798 If the award is to be made by several arbitrators, a majority of opinions decides, unless otherwise provided in the agreement of submission

Article 799 The award must bear a mention of the day, month, and year when it was drawn up, and be signed and sealed by the arbitrators

An exemplification of the award, also signed and sealed by the arbitrators, shall be served on each of the parties The original is to be deposited at the competent Court with the documents of service annexed

Article 800 As between the parties the award has the effect of a final and conclusive judgment of a Court of Justice

Article 801 Application to set aside the award may be made —

1 Where the procedure was inadmissible,

2 Where the award condemns a party to perform an act the performance of which is prohibited by law,

3 Where in the procedure the party was not represented in conformity with the provisions of law,

4 Where the parties were not heard in the procedure,

5 Where the award is not accompanied by reasons,

6 Where the case comes under Article 420, Numbers 4 to 8 and the conditions exist on which an action for removal of procedure is permissible

The award cannot be set aside on the grounds specified in Numbers 4 and 5 of this Article, if the parties have otherwise agreed

Article 802. Execution in virtue of an award can be annulled only if the admissibility thereof is pronounced by a judgment of execution

No judgment of execution can be rendered if there exists a ground upon which application can be made for the annulment of the award

Article 803 After the judgment of execution has been rendered, application for the annulment of the award can be made only on the ground specified in Article 801, No 6, and then only if it is rendered credible that the party without any fault on his part has not been in a position to assert the ground for its annulment in the previous procedure

Article 804 In the case of the preceding Article, the action for the annulment of the award is to be instituted within a peremptory term of one (1) month

The term commences to run from the day on which the party acquired knowledge of the ground for setting aside the award, but not before the judgment of execution has become final and conclusive After the expiration of five (5) years from the day when the judgment of execution became final and conclusive, the action is no longer admissible.

When the award is set aside (annulled), the annulment of the judgment of execution shall simultaneously be pronounced

Article 805 The Court competent in actions having for their object the nomination or refusal of an arbitrator, the termination (extinction) of an agreement of submission, the inadmissibility of arbitration procedure, the annulment of an award, or the rendering of the judgment of execution, is the Summary Court or the District Court designated in the agreement of submission and, in the absence of any such designation, the Summary Court or the District Court which would be competent if the claim were judicially asserted in a Court of Justice

Amongst two or more Courts competent in pursuance of the provisions of the preceding paragraph, the Court which is competent is that to which the parties or the arbitrator have first addressed themselves

Supplementary Provisions

The date for the operation of this law will be determined by Imperial Ordinance

Article 1 The provisions of the present Law except Article 8 of the Supplementary Provisions shall come into force as from 1 January 1949, and the provisions of the said Article 8 shall come into force as from 15 July 1948

Article 2. Within the meaning of these supplementary provisions, the New Code shall be taken to refer to the Code of Civil Procedure as amended by the present Law, the Old Code shall be taken to refer to the Code of Civil Procedure which has hitherto been in force

Article 3 Except as otherwise provided, the New Code shall apply also to any matter which has arisen prior to the coming into force of the New Code, without prejudice, however, to any effect which has arisen under the old Code and the Law No 75 of 1947

Article 4 The provisions of paragraph 1, proviso and paragraph 2 of Article 79 of the New Code shall apply mutatis mutandis in cases where the District Court should, in accordance with the provisions of the first paragraph of Article 3 of the Ordinance for the Enforcement of the Court Organization Law, handle a

case which, according to the provisions hitherto in force, has been under jurisdiction of the Local Court.

Article 5. Any person, who committed an act punishable with a non-penal fine under the Old Code before the enforcement of the New Code and to whom the decision was not yet given at the time of enforcement of the New Code, shall be punished under the Old Code.

Article 6. The provisions of Article 393 of the New Code shall not apply to any final judgment rendered by the Tokyo High Court as to the cases over which it has jurisdiction in accordance with the provisions of Article 4 of the Ordinance for the Enforcement of the Court Organization Law.

The provisions of Articles 409-2 and 409-3 of the New Code shall apply mutatis mutandis to the final judgment mentioned in the preceding paragraph.

Article 7. The Law No. 46 of 1945 shall be partly amended as follows:

In the second paragraph of the Supplementary Provisions, the words "Article 5" shall be deleted.

Article 8. The Law No. 75 of 1947 shall be partly amended as follows:

Article 8 shall be deleted.

In the second paragraph of the Supplementary Provisions, "15 July 1948" shall read "1 January 1949."

THE HABEAS CORPUS ACT

(Law No 199, July 30, 1948)

Article 1 In accordance with the principle of the Japanese Constitution which guarantees the fundamental human rights, this law aims at the rapid and easy recovery by the judicial court of the freedom of the person which is illegally restrained

Article 2 A person whose freedom of action is restrained without the proper legal procedure may apply for its recovery in accordance with the provisions of this law

Any person may present the preceding application on behalf of the person who is held under such restraint

Article 3 The application mentioned in the preceding Article shall be made by an attorney on behalf of the restrained person However, in cases where there exists extraordinary circumstances, it can be made by the applicant himself

Article 4 The application provided for in Article 2 may be presented in writing or orally to the High Court or District Court which has the jurisdiction over the district where the restrained, the restrainer or the applicant resides

Article 5 Such application in writing shall contain the following items specifically, and it shall be offered with necessary materials for presumptive proof

1 Name of the restrained
2 Purport of the request
3 Fact of detention
4 Restrainer known
5 Place of detention known

Article 6 The Law Court must make decision without delay on the request under Article 2

Article 7 The Court may, in cases where the application lacks requisite vindications or necessary presumptive proof, dismiss it by decision

Article 8 Upon receipt of the application provided for in Article 2, the Court may, by request of the applicant or through its authority, transfer the case to another Court considered to have competent jurisdiction

Article 9 The Court may, except the cases prescribed in the preceding two Articles, immediately make the necessary inquiry, in order to prepare for investigations at the time of trial, into the reason for the restraint and other matters by conducting a hearing on the statement made by the restrained, the applicant and their attorneys and other interested parties

The Court may cause the members of the collegiate to make the preliminary inquiry mentioned in the preceding paragraph

Article 10 In case of necessity, the Court may release, in order to release the restrained person temporarily by *its decision either under oath that the restrained shall* present himself at any time when summoned or on the conditions deemed proper or may otherwise take appropriate steps prior to conducting the trial provided for in Article 16

In the case where the restrained person under the preceding Article shall not present himself, he may be arrested

Article 11 The Court may dismiss the application for such releases without any proceeding for trial, when it has become evident through the preliminary inquiry that there exists no ground justifying the said application

When the court makes the decision under the preceding Paragraph, it shall rescind the disposal carried out before under Article 10 and, causing the restrained to present himself, hand him to the restrainer

Article 12 Except in case of Article 7 or paragraph 1 of the preceding Article, the Court shall designate a certain date and place and summon for trial the applicant or his attorney, the restrained person and the restrainer

While issuing a habeas corpus warrant to the restrainer to cause the person so restrained to appear at the designated date and place provided for in the preceding paragraph, the Court shall direct him to submit a written answer concerning the date, place of and the reason for such restraint, by the day of trial in the preceding paragraph

In the warrant mentioned in the preceding paragraph, the fact that if the restrainer does not obey the said warrant, he may be placed under arrest or taken into custody until he obeys the order he shall be liable to a fine not exceeding ¥500 for each day's delay shall be explicitly stated

There shall be a period of three days between the forwarding of the said warrant and the day of trial However, the trial shall be held within one week from the date under which the request under Article 2 was made This period may be shortened or prolonged, as the case may be

Article 13 The order mentioned in the preceding Article shall be notified to the Court which has issued the warrant concerning the restraint and to the Procurator

The Judges of the Court and the Procurator mentioned in the preceding paragraph may present themselves on the day of trial

Article 14 The investigations on the day of trial shall be conducted at an open court attended by the restrained person, the restrainer, the applicant and his attorney

When there is no such attorney, the Court shall select one from among the qualified lawyers

The attorneys under the preceding paragraph may *request for traveling expenses, daily allowances, hotel* expenses and compensation

Article 15. On the day of trial, the Court, upon hearing the statement of the application, its ground, and the reply of the restrainer, shall conduct investigations on materials for presumptive proof.

The restrainer shall clarify the reasons for detention.

Article 16. If the Court, upon investigations, finds such application groundless, it shall dismiss it by decision, and hand over to the restrainer the person so detained.

In case of the preceding paragraph, the provisions of Article 11, paragraph 2 shall apply.

In cases where the application is based on sufficient ground, the court shall forthwith release the person under restraint

Article 17. In the trial provided for in Article 7, Article 11, paragraph 1, and in the preceding Article, the Court may saddle the restrainer or the applicant with the entire costs spent in the procedure, or a part thereof

Article 18. In cases where the restrainer refuses to obey the order mentioned in Article 12, paragraph 2, the Court may arrest him or keep him in custody until he obeys the order, and impose on him a fine not exceeding ¥500 per day during the period of such refusal

Article 19. The restrainer, if notified by the person under restraint that he requests the benefit of an attorney on his behalf, shall immediately notify the request to the attorney whom he may nominate

Article 20. The Court which has received the application provided for in Article 2, or the Court to which such application has been forwarded shall immediately notify the Supreme Court of the case and report to it on the progress and results of the steps taken in connection therewith.

Article 21. In regard to the decision made by the Lower Court, an appeal may be made to the Supreme Court within 3 days.

Article 22. The Supreme Court, if it finds such steps necessary, may cause the Lower Court to transfer the pending case, irrespective of the stage of its proceedings, and may directly review it.

The Supreme Court, under the circumstances mentioned in the preceding paragraph, may nullify or alter the decision or verdict pronounced by the Lower Court.

Article 23. The Supreme Court may decide on necessary rules governing such application, examination, trial and other matters.

Article 24. Judgments which were passed according to other laws and are unfavourable to the restrained shall be invalid to the extent they conflict with this law.

Article 25. Those who have been relieved by this law shall not be restrained for the same ground without the judgment of the court.

Article 26. Any one who under-takes to remove or hide the restrained or contrives his escape, or who commits an act which may nullify the relief prescribed by this Law, or who deliberately makes incorrect entries in the written answer mentioned in Article 12, paragraph 2, shall be liable to penal servitude of less than 2 years or a fine not exceeding ¥50,000.

Supplementary Regulation:

This law shall take effect after the lapse of 60 days counting from the date of its promulgation.

NATIONAL GOVERNMENT ORGANIZATION LAW

(Law No 120, July 5, 1948)

Article 1. (General Provisions) The object of this Law is to regulate the national government organization which is necessary for the efficient prosecution of national administrative affairs by establishing standards for the organization of administrative organs under the control and jurisdiction of the Cabinet

Article 2 The national government organization shall, under the control and jurisdiction of the Cabinet, be systematically constituted of a system of administrative organs having a well-defined scope of authority and responsibility and specific functions for which they are responsible

The national administrative organs shall, under the control and jurisdiction of the Cabinet, maintain liaison with one another so that they may consummate their administrative functions as an organic whole

Article 3 (Establishment and Abolition of Administrative Organs, their Specific Functions, etc) The national government organization shall be determined by this Law

For the purpose of administrative organization the national administrative organs shall be comprised of an Office on ministerial level, Ministry, Commission or Agency The establishment or abolition of such ad- [illegible]

Administrative organs set up as provided for in paragraph 2 shall be enumerated in the Appendix to this Law.

Article 4 The scope of authority and responsibility of administrative organs referred to in the preceding Article and specific functions for which they are responsible shall be provided for by separate Law

Article 5 (Heads of Administrative Organs) The head of the Prime Minister's Office, the Attorney General's Office, and each Ministry shall be, respectively, the Prime Minister, the Attorney General and a Minister of each Ministry (to be hereinafter referred to as "each Minister"), who, as a competent Minister referred to in the Cabinet Law, shall have charge and control of their respective administrative affairs

The Attorney General shall be appointed by the Prime Minister from among the persons most fitted for the post He shall be a Minister of State

Ministers of various Ministries shall be appointed by the Prime Minister from among Ministers of State This shall not, however, preclude the Prime Minister from assuming in person any of those posts

Article 6 The head of a Commission shall be Chairman, and of an Agency, Director

Article 7 (Internal Subdivisions and Organs) For the purpose of administering their respective specific functions, an Office on ministerial level and Ministry shall have internal subdivisions enumerated below

Secretariat
Bureaus
Sections

For the purpose of administering their respective specific functions an Agency shall, as a rule, have internal subdivisions enumerated below

Secretariat
Divisions
Sections

Of the subdivisions referred to in the preceding two paragraphs, the establishment of the Secretariat, Bureau and Division, and the scope of affairs under their respective charge shall be provided for by law, while the creation of Section and its scope of the affairs under its respective charge shall be determined by each Minister or the head of independent organization within the limits of the pertinent law However, in the case of creating Section budgetary procedure shall be accompanied therewith

The Commission shall have a Secretariat The provisions of the preceding two paragraphs shall apply correspondingly to the internal organization of the Secretariat

Article 8 In addition to the internal subdivisions referred to in the preceding Article, in case there is special necessity within the scope of specific functions as provided for by law, Councils or Committees (to be taken to embrace all those of an advisory or investigational nature, etc other than Commissions provided for in Article 3), Experimental Stations or Laboratories, Research Institutes, Educational Facilities, Medical Facilities and other organs may be set up as provided for by law

In case the organs referred to in the preceding paragraph are to be established in local areas, the same shall be subject to the provisions of Article 156 of the Local Autonomy Law (Law No 67 of 1947)

Article 9 In case it is necessary to make them administer its specific functions, each administrative organ referred to in Article 3 may, as provided for by law, establish local branch offices.

Article 10 (Authority and Responsibility of the Heads of Administrative Organs) Each Minister, a Chairman of each Commission, or Director of each Agency shall preside over the affairs of his organ and control and supervise its personnel in regard to the performance of their duties

Article 11 When each Minister deems it necessary to enact, amend, or abrogate any law or cabinet order in respect to administrative affairs under his charge, he

Article 15. On the day of trial, the Court, upon hearing the statement of the application, its ground, and the reply of the restrainer, shall conduct investigations on materials for presumptive proof.

The restrainer shall clarify the reasons for detention.

Article 16. If the Court, upon investigations, finds such application groundless, it shall dismiss it by decision, and hand over to the restrainer the person so detained.

In case of the preceding paragraph, the provisions of Article 11, paragraph 2 shall apply.

In cases where the application is based on sufficient ground, the court shall forthwith release the person under restraint.

Article 17. In the trial provided for in Article 7, Article 11, paragraph 1, and in the preceding Article, the Court may saddle the restrainer or the applicant with the entire costs spent in the procedure, or a part thereof.

Article 18. In cases where the restrainer refuses to obey the order mentioned in Article 12, paragraph 2, the Court may arrest him or keep him in custody until he obeys the order, and impose on him a fine not exceeding ¥500 per day during the period of such refusal.

Article 19. The restrainer, if notified by the person under restraint that he requests the benefit of an attorney on his behalf, shall immediately notify the request to the attorney whom he may nominate.

Article 20. The Court which has received the application provided for in Article 2, or the Court to which such application has been forwarded shall immediately notify the Supreme Court of the case and report to it on the progress and results of the steps taken in connection therewith.

Article 21. In regard to the decision made by the Lower Court, an appeal may be made to the Supreme Court within 3 days.

Article 22. The Supreme Court, if it finds such steps necessary, may cause the Lower Court to transfer the pending case, irrespective of the stage of its proceedings, and may directly review it.

The Supreme Court, under the circumstances mentioned in the preceding paragraph, may nullify or alter the decision or verdict pronounced by the Lower Court.

Article 23. The Supreme Court may decide on necessary rules governing such application, examination, trial and other matters.

Article 24. Judgments which were passed according to other laws and are unfavourable to the restrained shall be invalid to the extent they conflict with this law.

Article 25. Those who have been relieved by this law shall not be restrained for the same ground without the judgment of the court.

Article 26. Any one who under-takes to remove or hide the restrained or contrives his escape, or who commits an act which may nullify the relief prescribed by this Law, or who deliberately makes incorrect entries in the written answer mentioned in Article 12, paragraph 2, shall be liable to penal servitude of less than 2 years or a fine not exceeding ¥50,000.

Supplementary Regulation:

This law shall take effect after the lapse of 60 days counting from the date of its promulgation.

NATIONAL GOVERNMENT ORGANIZATION LAW

(Law No 120, July 5, 1948)

Article 1. (General Provisions) The object of this Law is to regulate the national government organization which is necessary for the efficient prosecution of national administrative affairs by establishing standards for the organization of administrative organs under the control and jurisdiction of the Cabinet

Article 2. The national government organization shall, under the control and jurisdiction of the Cabinet, be systematically constituted of a system of administrative organs having a well-defined scope of authority and responsibility and specific functions for which they are responsible

The national administrative organs shall, under the control and jurisdiction of the Cabinet, maintain liaison with one another so that they may consummate their administrative functions as an organic whole

Article 3 (Establishment and Abolition of Administrative Organs, their Specific Functions, etc) The national government organization shall be determined by this Law

For the purpose of administrative organization the national administrative organs shall be comprised of an Office on ministerial level, Ministry, Commission or Agency. The establishment or abolition of such ad- [illegible]

Administrative organs set up as provided for in paragraph 2 shall be enumerated in the Appendix to this Law

Article 4 The scope of authority and responsibility of administrative organs referred to in the preceding Article and specific functions for which they are responsible shall be provided for by separate Law

Article 5 (Heads of Administrative Organs) The head of the Prime Minister s Office, the Attorney General's Office, and each Ministry shall be, respectively, the Prime Minister, the Attorney General and a Minister of each Ministry (to be hereinafter referred to as "each Minister"), who, as a competent Minister referred to in the Cabinet Law, shall have charge and control of their respective administrative affairs

The Attorney General shall be appointed by the [illegible]

assuming in person any of those posts

Article 6 The head of a Commission shall be Chairman, and of an Agency, Director

Article 7 (Internal Subdivisions and Organs) For the purpose of administering their respective specific functions, an Office on ministerial level and Ministry shall have internal subdivisions enumerated below·

Secretariat
Bureaus
Sections

For the purpose of administering their respective specific functions an Agency shall, as a rule, have internal subdivisions enumerated below

Secretariat
Divisions
Sections

Of the subdivisions referred to in the preceding two paragraphs, the establishment of the Secretariat, Bureau and Division, and the scope of affairs under their respective charge shall be provided for by law, while the creation of Section and its scope of the affairs under its respective charge shall be determined by each Minister or the head of independent organization within the limits of the pertinent law However, in the case of creating Section budgetary procedure shall be accompanied therewith.

The Commission shall have a Secretariat. The provisions of the preceding two paragraphs shall apply correspondingly to the internal organization of the Secretariat

Article 8 In addition to the internal subdivisions referred to in the preceding Article, in case there is special necessity within the scope of specific functions as provided for by law, Councils or Committees (to be taken to embrace all those of an advisory or investigational nature, etc other than Commissions provided for in Article 3), Experimental Stations or Laboratories, Research Institutes, Educational Facilities, Medical Facilities and other organs may be set up as provided for by law

In case the organs referred to in the preceding paragraph are to be established in local areas, the same shall be subject to the provisions of Article 156 of the Local Autonomy Law (Law No. 67 of 1947)

Article 9. In case it is necessary to make them administer its specific functions, each administrative organ referred to in Article 3 may, as provided for by law, establish local branch offices.

Article 10 (Authority and Responsibility of the Heads of Administrative Organs) Each Minister, a Chairman of each Commission, or Director of each Agency shall preside over the affairs of his organ and control and supervise its personnel in regard to the performance of their duties.

Article 11. When each Minister deems it [illegible] to enact, amend, or abrogate any law or cabinet order in respect to administrative affairs under his charge, [illegible]

shall submit a draft to the Prime Minister and ask for a cabinet conference.

Article 12. Each Minister may issue an ordinance for his respective office (an ordinance of the Prime Minister's Office, an ordinance of the Attorney General's Office or a ministerial ordinance) for the purpose of implementing any law or cabinet order in respect to administrative affairs under his charge or as specially authorized by law or cabinet order.

The head of an independent organization may submit to the respective competent Minister a draft of the ordinance referred to in the preceding paragraph in respect to the affairs under the jurisdiction of his organ and ask for its issuance.

Unless authorized by law, no penal clause nor any provision which imposes obligations or restricts rights of individuals may be included in the ordinance referred to in the preceding two paragraphs.

Article 13. The head of each independent organization may, as provided for by separate law, issue on his own accord rules and special orders other than cabinet orders or the orders as prescribed in paragraph 1 of the preceding Article.

The provision of paragraph 3 of the preceding Article shall apply correspondingly to the orders referred to in the preceding paragraph.

Article 14. In case it is necessary to make any public announcement in respect to the affairs under the jurisdiction of his organ, each Minister or the head of each independent organization may issue a notification.

For the purpose of giving orders or conveying directions in respect to the affairs under the jurisdiction of his organ, each Minister or the head of each independent organization may issue instructions or circular notices to the organizations and personnel under his jurisdiction consistent with the provisions of the National Public Service Law (Law No. 120 of 1947) and rule, issued thereunder.

Article 15. With respect to affairs under his charges each Minister may direct and supervise the heads of local public entities in respect to national administrative affairs which they execute as provided for in Article 150 of the Local Autonomy Law. If the control or execution of national affairs that falls within the sphere of competence of the governor of the metropolis, district or urban or rural perfecture in his capacity as a national official is deemed to be contrary to the provisions of law or order or to the action of each competent Minister, or if he is negligent in the control or execution of such national affairs, each competent Minister may, as provided for in Article 146 of the Local Autonomy Law, order matters which such governor is to be compelled to carry out, ask for a trial by a law court, or proceed, after court determination, execute the matters involved on behalf of the said governor, or the Prime Minister may remove him from office as provided for in the same Article.

In case the removal from office has been effected under the provision of the preceding paragraph, the Prime Minister shall take steps to announce the reasons for such action and to make them known to the residents of the said metropolis, district or urban or rural prefecture, as provided for by cabinet order.

Article 16. If an ordinance of an Office on ministerial level, or ministerial ordinance, or an order or direction issued by each Minister to the head of a local public entity or his other act on the basis of his authority for directing or supervising the latter as provided for in the preceding Article is deemed to be contrary to the primary object of local autonomy, the said head of a local public entity may make due representation to that effect to the Prime Minister. In such a case, if the representation is deemed to be well-founded on reason, the Prime Minister shall make investigation within thirty days, direct the Minister involved or take such other steps as may be considered justified; and in case the Prime Minister finds that the representation is not justified, he shall notify the head of the local public entity concerned with the reasons therefor.

The representation referred to in the preceding paragraph shall not thereby affect the validity of an order, direction, or other act of the Minister concerned.

Article 17. (Positions in Administrative Organs) Each Ministry shall have one Vice-Minister, which position shall be in the special government service.

The Vice-Minister shall assist the Minister participate in the formation of policies and program planning, regulate the ministerial affairs, and shall act for the Minister in his absence.

Article 18. The Prime Minister's Office shall have two Confidential Secretaries, and the Attorney General's Office and various Ministries shall each have one Confidential Secretary.

Confidential Secretaries shall deal with confidential matters under orders of the respective Minister or temporarily assist in the affairs of any subdivision by his order.

Article 19. The fixed number of positions for each administrative organ shall be provided for by law.

Article 20. Each administrative organ referred to in Article 3 shall, as a rule and in conformity with its internal subdivisions as specified in Article 7, have the following positions as the respective head thereof:

Chiefs of Bureau
Chiefs of Division
Chiefs of Section

The scope of specific functions and the authority and responsibility involved in the positions referred to in the preceding paragraph shall be classified in accordance with the provisions of the National Public Service Law.

Article 21. (Special Provision for Administrative Organ of Government Enterprises) In regard to an admin-

istrative organ of government enterprises, the same may be otherwise provided for specifically by law regardless of the provisions of Article 7 and of the preceding Article.

Article 22 ("Kodan") The public corporation "Kodan" shall be deemed administrative organ of the national government, whose establishment or abolition shall be provided for by separate law.

"Kodan" shall be enumerated in the Appendix to this Law

Supplementary Provisions

Article 23 The present Law shall come into force on and after January 1, 1949 However, the provision of Article 27 shall come into force as from the day of its promulgation

Article 24 In addition to administrative organs referred to in paragraph 2 of Article 3, in case there is special necessity, a Board with the Prime Minister as its head may be set up provisionally as provided for by separate law

Unless otherwise prescribed by law, the provisions in this law concerning an Office on ministerial level and a Ministry shall apply correspondingly to a Board

Article 25 Of the provisions of Article 19, those on positions shall become applicable from such a date as the position classification plan is determined and becomes effective under the National Public Service Law, and until that date the types of personnel for administrative organs and the specific matters for which they are responsible shall, unless otherwise provided for by law or cabinet order, be in accordance with the Common Rules concerning Personnel heretofore in force, and those on their fixed number shall come into force as from January 1, 1949

Until the date as specified in the preceding paragraph, Vice-Ministers shall be first class officials, and Confidential Secretaries shall be second class officials, while Directors of an Agency, unless otherwise prescribed, shall be first class officials

Article 26 Necessary details for implementing this law shall be provided for by cabinet order unless otherwise prescribed

Article 27 The Appendix to this law provided for in paragraph 4 of Article 3 and in paragraph 2 of Article 22 shall be consolidated and attached only after the laws as required under the provisions of Article 3 and Article 22 are enacted, but not later than January 1, 1949

shall submit a draft to the Prime Minister and ask for a cabinet conference.

Article 12. Each Minister may issue an ordinance for his respective office (an ordinance of the Prime Minister's Office, an ordinance of the Attorney General's Office or a ministerial ordinance) for the purpose of implementing any law or cabinet order in respect to administrative affairs under his charge or as specially authorized by law or cabinet order.

The head of an independent organization may submit to the respective competent Minister a draft of the ordinance referred to in the preceding paragraph in respect to the affairs under the jurisdiction of his organ and ask for its issuance.

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In case the removal from office has been effected under the provision of the preceding paragraph, the Prime Minister shall take steps to announce the reasons for such action and to make them known to the residents of the said metropolis, district or urban or rural prefecture, as provided for by cabinet order.

Article 16. If an ordinance of an Office on ministerial level, or ministerial ordinance, or an order or direction issued by each Minister to the head of a local public entity or his other act on the basis of his authority for directing or supervising the latter as provided for in the preceding Article is deemed to be contrary to the primary object of local autonomy, the said head of a local public entity may make due representation to that effect to the Prime Minister. In such a case, if the representation is deemed to be well-founded on reason, the Prime Minister shall make investigation within thirty days, direct the Minister involved or take such other steps as may be considered justified, and in case the Prime Minister finds that the representation is not justified, he shall notify the head of the local public entity concerned with the reasons therefor.

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Article 26 Necessary details for implementing this law shall be provided for by cabinet order unless otherwise prescribed

Article 27 The Appendix to this law provided for in paragraph 4 of Article 3 and in paragraph 2 of Article 22 shall be consolidated and attached only after the laws as required under the provisions of Article 3 and Article 22 are enacted, but not later than January 1, 1949

THE LAW FOR THE INQUEST OF PROSECUTION
(Law No. 147, July 5, 1948)

Chapter I. General Provisions

Article 1. For the purpose of proper and fair execution of the right of public action by reflecting the popular will, the Inquest of Prosecution shall be established in the area where the District Court, or its Branch are situated, as fixed by cabinet order. However, the number of Inquests shall not be less than 200, provided that there shall be no District Court area without at least one Inquest.

The name and territorial jurisdiction of the Inquest of Prosecution shall be fixed by cabinet order.

Article 2. The Inquest of Prosecution shall be in charge of the following matters:

(1) Matters concerning the examination of whether or not the disposition of non-prosecution made by a public procurator was proper.

(2) Matters concerning making proposals and giving advice in regard to the improvement of prosecution affairs.

The Inquest of Prosecution shall conduct the examination mentioned in item (1) of the preceding paragraph, upon application made by the person who has lodged an accusation or complaint, who has made a request regarding the case to be received upon request, or who has been injured by crime.

The Inquest of Prosecution may conduct the examination mentioned in item (1) of paragraph 1 ex-officio, based upon the materials which the Inquest has come to know by itself, when a decision to such effect has been made by a majority of the meeting of the Inquest.

Article 3. The Inquest of Prosecution shall be independent in the exercise of its authority.

Article 4. The Inquest of Prosecution shall consist of 11 members selected by lot from among voters for the members of the House of Representatives within the territorial jurisdiction of the Inquest in question.

Chapter II. Members of Inquest and Organization of Inquest

Article 5. The following persons may not become members of the Inquest:

(1) Any person who has not graduated from the primary school, except those who have knowledge equivalent to that which a person would have if he had graduated from the primary school.

(2) Any person who was adjudged bankrupt and has not yet been rehabilitated.

(3) Any person who is deaf, dumb, or blind.

(4) Any person sentenced with penalty not lighter than penal servitude or imprisonment without hard labor for one year.

Article 6. The following persons may not assume the post of the member of the Inquest:

(1) Emperor, Empress, Grand Empress Dowager, Empress Dowager, and Imperial Heir.

(2) Minister of State.

(3) Judge.

(4) Public Procurator.

(5) Auditor of the Board of Audit.

(6) Secretary General of the Supreme Court, private secretary to the President of the Supreme Court, Instructor of Judicial Research and Training Institute, Research Official of Court, Secretary of Court, Technical Official of Court, Marshal and Bailiff.

(7) Juvenile Court Judge, Juvenile Investigator (HOGOSHI) and Clerk of Juvenile Court.

(8) Official of the Attorney General's Office.

(9) Private Secretary to the Public Procurator General, Secretary of Public Procurator's Office, Technical Official of Public Procurator's Office and other personnel of Public Procurator's Office.

(10) Secretary of Inquest of Prosecution.

(11) Member of the National Public Safety Commission, member of the Prefectural Public Safety Commission, member of the City, Town and Village Public Safety Commission, member of the Special Ward Public Safety Commission and police official.

(12) Person who discharges the duties of judicial police official.

(13) Prison official.

(14) Economic Investigator.

(15) Tax-collector, customs-officer, official of the Monopoly Bureau.

(16) Person who engages in the enterprises such as mail, telegram, telephone, railway or tramway, and mariners.

(17) Prefectural Governor and head of city, town or village.

(18) Lawyer and patent agent.

(19) Public notary and judicial scrivener.

Article 7. In the following case the member of the Inquest shall be excluded from the exercise of his functions:

(1) If he himself is the suspect or injured party;

(2) If he is or was a relative of the suspect or injured party;

(3) If he is the legal representative, supervisor of guardianship or curator of the suspect or injured party;

(4) If he lives in the house of the suspect or injured party or is an employee of the latter;

(5) If he has lodged an accusation or made a request regarding the case;

(6) If he has become a witness or expert witness regarding the case,

[illegible]

Article 8 The following person may decline the post of the member of the Inquest

(1) Person who is not less than 60 years old,

(2) Member of the Diet or of assemblies of local public entity However, this shall apply only during [illegible]

(4) Student,

(5) Person who has obtained from the Inquest the approval of declining the post on account of serious illness, travelling overseas and other unavoidable reasons

Article 9 The chief of the Secretariat of Inquest shall allot the number of candidates for the members of the Inquest to cities, towns and villages which are located in the territorial jurisdiction of the Inquest in [illegible]

Candidates for the members of the Inquest shall be divided in four panels (the first panel to the fourth panel) by each Inquest and the number of persons *contained in* each panel shall be 100

Article 10 The Election Administration Committee of city, town or village, when it has received the information mentioned in the preceding Article, shall select by lot, from among the Election List of the House of Representatives, the multiple number of eligible persons for the candidates for members of the Inquest belonging respectively to the first panel to the fourth panel inclusive, the number of which has been allotted in accordance with the provisions of the same article, and after the investigation of qualification as the members of the Inquest, the said Committee shall select by lot, from among the qualified expected persons, the candidates for members *of the Inquest* belonging respectively to the first panel to the fourth panel inclusive

As the result of investigation based on the preceding paragraph, in case the qualified eligible persons come short of the numbers of candidates for members of the Inquest, the provision of the preceding paragraph shall apply mutatis mutandis until the vacancy is filled.

The Election Administration Committee of city, town or village shall give notice of the place where and the date when the selection by *lot shall be* conducted at least 3 days prior to the day on which the selection by lot is to be conducted according to the provisions of paragraph 1 or 2

In case the selection by lot is to be conducted according to the provisions of paragraph 1 or 2, those who have suffrage for members of the House of Representatives may be present thereat, but at least 3 persons must be present

The Election Administration Committee of city, town or village shall make up a list of the candidates for the members of the Inquest in which the names, addresses and dates of birth are entered of the candidates for the members of the Inquest selected according to the provisions of paragraphs 1 and 2

Article 11 The Election Administration Committee of city, town or village shall send the list of candidates for the members of the Inquest on and before the 15th of January to the Secretariat of Inquest which has jurisdiction over it

The Election Administration Committee of city, town or village shall notify the persons entered in the list of candidates for the members of the Inquest to that effect and shall publicly announce the full name of such persons

Article 12 If any of the candidates has died, lost the right to vote for the members of the House of Representatives or fallen under any of the items of Art 5 or 6, after the list of candidates for the members of the Inquest was sent in accordance with the provisions of the preceding Article, the Election Administration Committee of city, town or village shall, without delay, notify to that effect the Secretariat of Inquest having the jurisdiction over it

Article 13 The chief of the Secretariat of Inquest shall select by lot, five members of the Inquest and supplementary members respectively from among the first panel of candidates on the 31st of January every year, six each of them from among the second panel of candidates on the 30th of April, five each of them from among the third panel of candidates on the 31st of July, six each of them from among the fourth panel of candidates on the 31st of October

If the date mentioned in the preceding paragraph falls on Sunday, the selection by lot mentioned in the preceding paragraph shall be conducted on the previous day

The selection by lot mentioned in the first paragraph shall be conducted in the presence of a judge of District Court, a public procurator of District Public Procurator's Office and an official of city, village or town concerned In this case, the above persons present shall certify the selection of members and supplementary members of the Inquest

Article 14. The term of office of the members and supplementary members of the Inquest shall be re*spectively six months*

Article 15 Every time when the members and

supplementary members of the Inquest have been selected in accordance with the provisions of Article 13, paragraph 1, the meeting of the Inquest shall be held and the chairman of the Inquest shall be elected by mutual vote. In the above case, until the chairman is elected by mutual vote, the chief of Secretariat of Inquest shall perform his duties.

The chairman of the Inquest shall be the president of the meeting of the Inquest, shall administer the affairs of the Inquest and shall direct and supervise the Secretaries of Inquest.

The term of office of the chairman shall end at the time when the next selection is conducted in accordance with the provisions of paragraph 1 of Article 13.

The provisions of paragraph 1 shall mutatis mutandis apply to the case where the post of the chairman is vacant or he is suspended from discharging his duties.

Excepting the case mentioned in the preceding paragraph, if the chairman is hindered from discharging his duties, other member of the Inquest shall temporarily discharge the duties of the chairman in an order previously fixed by the Inquest.

Article 16. The chief of the District Court of a judge serving in its Branch shall, prior to the opening of the meeting of Inquest mentioned in the first paragraph of the preceding Article, give an advice regarding the knowledge necessary for the members and supplementary members of the Inquest, and have them take an oath.

The oath shall be administered in a written oath.

The written oath shall read: "I hereby swear that I will discharge the duties fairly and faithfully according to my conscience."

The chief of the District Court or judge serving in its Branch shall stand up and read the written oath aloud and cause the members and supplementary members of the Inquest to sign and seal it.

Article 17. Any member of the Inquest shall, if he has been indicted on the charge of an offense punishable with penalty not lighter than imprisonment without hard labor, be suspended from discharging his duties until the judgment becomes irrevocable.

Article 18. In case the post of any member of the Inquest has become vacant or such person has been suspended from discharging his duties, the chairman of the Inquest shall select by lot a member to fill that vacancy from among the supplementary members.

The selection by lot mentioned in the preceding paragraph shall be conducted in the presence of a Secretary of Inquest.

Chapter III Secretariat of Inquest and Secretary of Inquest

Article 19. There shall be a Secretariat in each Inquest of Prosecution.

Article 20. There shall be 600 Secretaries of Inquest in all the Inquest of Prosecution.

The Secretaries of Inquest shall be appointed by the Supreme Court from among 2nd or 3rd class Court Secretaries, and the Inquest in which they are to serve shall be determined by each District Court as fixed by the Supreme Court.

The Supreme Court shall appoint one of the Secretaries of Inquest to the chief of the Secretariat of each Inquest.

The chief of the Secretariat of Inquest and other Secretaries of Inquest shall take charge of the business of the Inquest under the direction and supervision of the chairman.

Chapter IV. The Meeting of Inquest

Article 21. The Inquest of Prosecution shall open its meeting on the 15th day of March, June, September and December in each year.

The chairman of the Inquest may convene the meeting at any time if he deems it especially necessary.

The provisions of Article 13, paragraph 2, shall mutatis mutandis apply to the case mentioned in paragraph 1.

Article 22. The letter of convocation of the meeting of Inquest shall be issued by the chairman to all the members and supplementary members of the Inquest.

Article 23. The letter of convocation to the members and supplementary members of the Inquest shall state the date and place of presence and the fact that they may be punished with non-penal fine if they do not comply with the request of presence.

Article 24. The members and supplementary members of the Inquest may not assume their duties at the date of the meeting in question, in case they are unable to comply with the convocation because of illness or other unavoidable causes. In such case, the reason therefor shall be explained in writing.

Article 25. The Inquest of Prosecution may not hold its meeting and make decisions unless all its members are present.

In case any member of the Inquest is not present at the date of meeting or in case a decision of exclusion has been made in accordance with the provision of Article 34, the chairman shall select by lot a person who is to temporarily discharge the duties of the member from among the supplementary members.

The provisions of Article 18, paragraph 2, shall mutatis mutandis apply to the case mentioned in the preceding paragraph.

Article 26. The meeting of the Inquest shall not be open to the public.

Article 27. The matters taken up by the Inquest shall

be decided by a majority of its members. However, agreement of not less than eight of the members is necessary in order to make a decision to the effect that it is proper to prosecute the case

Article 28 The record of meeting shall be made up regarding the matters taken up by the meeting of the Inquest

The record of meeting shall be made up by the Secretaries of Inquest

Article 29 Travelling expenses, daily allowances and expenses for lodging shall be paid to the members and supplementary members of the Inquest as fixed by cabinet order However, the amount of these expenses and allowances shall not be less than those paid to witnesses, in accordance with the provisions of the Law concerning the Costs for Criminal Procedure and the Law for Temporary Measures relating to the Costs of Action and others

Chapter V Application for Examination

Article 30 The person who has lodged an accusation or complaint, who has made a request regarding the case to be received upon request, or who has been injured by crime, when such person is not satisfied with the disposition of non-prosecution made by a public procurator, may make an application for examination as to whether or not the disposition is proper to the Inquest of Prosecution having jurisdiction over the area where the Public Procurator's Office to which the public procurator concerned belongs is situated However, this shall not apply to the case provided for in item 4 of Article 16 of the Court Organization Law and the case connected with

[illegible]

clearly indicated

Article 32 When a decision has been rendered by the Inquest as to whether or not the disposition of non-prosecution made by a public procurator was proper, the application for further examination of the same case may not be made

Chapter VI Proceedings for Examination

Article 33 The order of examination upon application shall be that of application therefor. However, the chairman may change the order if he considers it especially urgent

The order of examination ex-officio shall be determined by the chairman

Article 34 The chairman shall notify the members of the Inquest of the name, occupation and domicile of suspected person and ask them whether or not there exists any reason for exclusion from discharging his duties

The member of the Inquest, when he deems there exists any reason for exclusion, shall state to that effect

The meeting of the Inquest shall, when it deems there exists any reason for exclusion, make a decision of exclusion

Article 35 The public procurator shall, when he is requested by the Inquest, present materials necessary for examination or shall be present at the meeting and state his opinion

Article 36 The Inquest may inquire of public offices or organizations public or private and request for report on necessary matters

Article 37 The Inquest of Prosecution may call the person who made the application for examination or witnesses, and examine them

The Inquest of Prosecution may, in case a witness does not comply with such call, request the Summary Court having jurisdiction over the area where the Inquest in question is located to summon the witness.

The Court shall, when the request mentioned in the preceding paragraph has been made, issue a writ of summons

To the summons mentioned in the preceding paragraph the Code of Criminal Procedure shall apply mutatis mutandis

Article 38 The Inquest of Prosecution may request the presence of the person deemed proper and ask technical advice regarding laws and other matters

Article 39 Travelling expenses, daily allowances and expenses for lodging shall be paid, as fixed by cabinet order, to the witness and the person who was asked to give his advice in accordance with the provisions of the preceding Article However, the amount of these expenses and allowances shall not be less than those paid to witnesses, in accordance with the provisions of the Law concerning the Costs for Criminal Procedure and the Law for Temporary Measures relating to the Costs of Action and others

Article 40 The Inquest of Prosecution shall, when it has made a decision as a result of examination, make the finding in writing with reasons attached, send their copies to the Chief of the District Public Procurator s Office who directs and supervises the public procurator in question and to the Committee for Examination of Qualification of Public Procurators, put up the gist of findings on the bulletin board of the Secretariat of Inquest concerned during seven days after such decision has been made, and, in addition, in case a person made an application according to the provisions of Article 30,

he shall be notified the gist of findings of the case he applied herewith.

Article 41. The Chief of the District Public Procurator's Office shall, in case a copy of the findings has been sent to him in accordance with the provisions of the preceding Article, take into consideration the findings and shall take proceedings for an indictment, if he deems a public action should be instituted.

Chapter VII. Proposal and Advice

Article 42. The Inquest of Prosecution may, at any time, make proposals and give advice to the Chief of the District Public Procurator's Office regarding the improvement of prosecution affairs.

Chapter VIII. Penal Regulations

Article 43. In the following cases, any member and supplementary member of the Inquest shall be liable to a non-penal fine not higher than 10,000 yen.

(1) If he does not comply with the convocation without good reason.

(2) If he has refused to take oath.

The same shall apply to the case where a witness who *has been summoned in accordance with the provisions of* Article 37, paragraph 3, does not comply with the summons without good reason.

Article 44. *If any member of the Inquest* has disclosed the proceedings of the meeting, the opinion of each member or the number of opinions, such person is liable to a fine not exceeding 10,000 yen.

If the matters mentioned in the preceding paragraph appear in the newspaper and other publications, editor and publisher in the case of newspaper and writer and publisher in the case of other publications shall be liable to a fine not exceeding 20,000 yen.

Article 45. Any person who has solicited any member of the Inquest to misuse or abuse his position regarding the duties provided for in Article 2, paragraph 1, Item (1), shall be liable to penal servitude for a period not more than one year or a fine not exceeding 20,000 yen.

Chapter IX. Supplementary Rules

Article 46. The expenses for the Inquest of Prosecution shall be appropriated as part of the expenses for Courts in the national budget.

Article 47. In the case of the city prescribed in Article 155, Paragraph 2, of the Local Autonomy Law, the provisions regarding the city in this law shall apply to the ward (KU).

Article 48. Provisions necessary for the enforcement of this Law shall be provided for by cabinet order.

Supplementary Provisions

This Law shall come into force as from the day of its promulgation.

The first selection of members and supplementary members of the Inquest after this law comes into effect shall be conducted on the 31st of January 1949. In the above case, the number of members and supplementary members of the Inquest shall be respectively 11, and the term of office of 6 out of each 11 members or supplementary members shall be three months and that of 5 shall be six months, as fixed by lot on the occasion of the selection of members and supplementary members of the Inquest in question.

In Article 4 of the Law concerning the Total Number of Court Officials (Law No. 64 of 1947)

"full time service	697	2nd class
full time service	4071	3rd class"

shall be read as

"full time service	759	2nd class
full time service	4609	3rd class."

CODE OF CRIMINAL PROCEDURE

(Law No 131, July 5, 1948)

Code of Criminal Procedure

Article 1. The purpose of this law is, regarding criminal cases, to clarify the true facts of cases and to apply and realize criminal laws and ordinances fairly and speedily, while thoroughly accomplishing the maintenance of public welfare and security of fundamental human rights of individuals.

Book I
General Provisions

Chapter I. Jurisdiction of Courts

Article 2 The territorial jurisdiction of courts shall be determined by the place of offense, or the place of domicile or residence of the accused or by the place where the accused is at present.

In respect to an offense committed on board a Japanese vessel while outside Japanese territory, the question shall, in addition to the places mentioned in the preceding paragraph, be determined also by the place of home port of such vessel, or the place where the vessel has lain at anchor subsequent to the committal of the offense.

Article 3 When several cases falling under the material jurisdiction of different courts are connected with each other, a higher court may exercise jurisdiction over all of them conjointly.

When the cases under the special jurisdiction of a High Court and other cases are connected with each other, the High Court may exercise jurisdiction over all of them conjointly.

Article 4. If, in the event of several connected cases falling under the material jurisdiction of different courts pending in a higher court, there is any case which such

he shall be notified the gist of findings of the case he applied herewith.

Article 41. The Chief of the District Public Procurator's Office shall, in case a copy of the findings has been sent to him in accordance with the provisions of the preceding Article, take into consideration the findings and shall take proceedings for an indictment, if he deems a public action should be instituted.

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In Article 4 of the Law concerning the Total Number of Court Officials (Law No. 64 of 1947)

"full time service	697	2nd class
full time service	4071	3rd class"

shall be read as

"full time service	759	2nd class
full time service	4609	3rd class."

would be disturbed, if the case were to be tried by the court having jurisdiction over it, the Procurator-General shall move the Supreme Court to transfer the case to another court.

Article 19 When it deems necessary, a court, either upon the request of the accused or public procurator or ex-officio, may, by means of a ruling, transfer a case to another competent court having concurrent material jurisdiction

The ruling of transfer may not be made after the taking of evidence regarding the case has been commenced

Only in cases of rights being seriously impaired as a result of the ruling transferring or refusing to transfer a case, an immediate complaint may be taken by offering presumptive proof of such grounds

Chapter II Exclusion and Challenge of Court Officials

Article 20 In the following cases a judge is excluded from the exercise of his functions

(1) If he himself is the injured party,

(2) If he is or was a relative (prescribed by the Art 725 Civil Code) to the accused or the injured party,

(3) If he is the legal representative, supervisor of guardianship or curator of the accused or the injured party,

(4) If he has acted as witness or an expert witness in the case,

(5) *If he has acted as the representative, counsel or* assistant of the accused in the case,

(6) If he has exercised the functions of a public procurator, or a judicial police officer in the case,

(7) If he has participated in the ruling mentioned in Article 266, Item 2, in a summary order, in the decision by the court below or in the original judgment of the case which has been sent back, or transferred by virtue of Art 398–400, 412 or 413, or in the investigations which form the basis of such decisions But this shall not apply if he participated as a requisitioned judge

Article 21 In case a judge is to be excluded from the exercise of his functions, or where there is apprehension that he may give a partial judgment, he may be challenged by a public procurator or the accused

Counsel may make a motion for challenge for the benefit of the accused, but not against the clearly expressed intention of the latter

Article 22 After a demand or a statement has been made in the case, no judge may any longer be challenged on the ground of there being apprehension that he might give a partial judgment, but this shall not apply if the party was unaware of the existence of a ground for challenge, or if such ground came into existence subsequently (to such demand or statement)

Article 23 When a judge who is a member of a collegiate court has been challenged, the court to which such judge belongs shall render a ruling thereon If the court in such case is a District Court, the ruling shall be rendered by a collegiate court (i e , by the court sitting in joint session)

When a sole judge of a District Court has been challenged the ruling must be rendered by a collegiate court of the court to which such judge belongs, and when a judge of a Summary Court has been challenged, by a collegiate court of the competent District Court, but if the judge who has been challenged finds (admits) the motion for challenge to be well-founded, the ruling shall be deemed to have been made

[illegible]

the ruling shall be rendered by the next immediately higher court.

Article 24 A motion for challenge which has clearly been made merely for the purpose of delaying the action shall be dismissed by a ruling In such case, the provisions of Par 3 of the preceding article shall not apply The same shall apply also when a motion for challenge has been made in contravention of the provisions of Art 22 or the procedure fixed by the rule of court

In the case of the preceding paragraph, a commissioned judge, a sole judge of a District Court, or a judge of a Summary Court, who has been challenged, may render a judgment dismissing the motion for challenge

Article 25 Against a ruling by which a motion for challenge is dismissed, immediate complaint may be filed

Article 26 With the exception of the provisions of Art 20, No 7, the provisions of this Chapter shall apply mutatis mutandis to court clerks

The ruling shall be rendered by the court to which the court clerk belongs, but the judgment to dismiss the motion for challenge in the case mentioned in Art 24, Par 1, may be rendered by the commissioned judge to whom the court clerk is attached

Chapter III Litigation Capacity

Article 27. When the accused or the suspect is a juridical person, it shall be represented by its authorized representative in regard to acts of procedure

Even when a juridical person is represented by two or more persons conjointly, it shall be represented by each of them severally in respect of acts of procedure

court considers unnecessary to adjudicate conjointly with the rest, it may, by a ruling, transfer the same to a lower court having jurisdiction over it.

Article 5. When several connected cases are severally pending in a higher court and a lower court, the higher court may, by a ruling, adjudicate conjointly also upon the case falling under the jurisdiction of the lower court.

When the cases under the special jurisdiction of a High Court are pending in a High Court, and other cases connected with the above-mentioned cases are pending in an inferior court, the High Court may, by a ruling, adjudicate conjointly also upon the cases falling under the jurisdiction of the inferior court.

Article 6. When several cases falling under the territorial jurisdiction of different courts are connected with each other, a court which has jurisdiction over one of them may exercise jurisdiction over the others also. However, the court may not exercise jurisdiction over the cases which fall under the jurisdiction of specific court in accordance with the provisions of other laws.

Article 7. If, when several cases subject to different territorial jurisdictions which are connected with each other are pending in one court, there is any case which such court considers unnecessary to adjudicate conjointly with the rest, it may, by a ruling, transfer the same to another court having jurisdiction over it.

Article 8. When several cases which are mutually connected are pending severally in different courts which are identical in respect to material jurisdiction each court may, on the motion of a public procurator or the accused, decide by a ruling that they shall be combined in one court.

If, in the case of the preceding paragraph, the rulings of the several courts do not agree, the higher court immediately above all of such court may, upon the request of a public procurator or the accused, decide by a ruling that the cases be combined in one court.

Article 9. Two or more cases are (mutually) connected:

(1) Where several offenses have been committed by one person;

(2) Where several persons have conjointly committed an identical offense or several separate offenses;

(3) Where each of several persons acting in collusion, has committed a separate offense.

The offense of harbouring an offender, destruction of evidence, perjury, false expert evidence or interpretation and relating to illgotten (stolen) goods on the one hand, and the offense of the principal offender on the other, shall be deemed to have been committed conjointly.

Article 10. When one and the same case is pending in several courts differing in respect to their material jurisdiction, it shall be adjudicated upon by a higher court.

The higher court may, on the motion of a public procurator or the accused, require, by a ruling, the lower court having jurisdiction over the case to adjudicate upon it.

Article 11. When one and the same case is pending in several courts which are identical in respect to material jurisdiction, it shall be adjudicated upon by the court by which the public action was first received.

The higher court immediately above all of such courts may, on the motion of a procurator or the accused, require, by a ruling, the case to be adjudicated upon by another court by which a public action was received later.

Article 12. When it is necessary for the purpose of discovering facts, a court may exercise its functions even outside the district under its jurisdiction.

The provisions of the preceding paragraph shall apply mutatis mutandis to commissioned judges.

Article 13. Proceedings in an action shall not lose their effect by reason of the court's lack of jurisdiction over it.

Article 14. In case of urgency, a court may, even when it has no jurisdiction, adopt such measures as may be necessary for discovering facts.

The provisions of the preceding paragraph shall apply mutatis mutandis to commissioned judges.

Article 15. In the following cases a public procurator shall move the higher court immediately above all the courts of first instance concerned to designate the court which shall have jurisdiction:

(1) When the competent court can not be determined by reason of the district boundaries of the court not being clearly defined;

(2) When there is no other court having jurisdiction over a case in respect to which a judgment declaring a certain court to have no jurisdiction has become binding.

Article 16. When there is no court having jurisdiction by law, or when it is impossible to ascertain such court, the Procurator-General shall move the Supreme Court to designate the court which shall have jurisdiction.

Article 17. In the following cases, a public procurator shall move the next immediately higher court to effect a change of jurisdiction (change of venue):

(1) When for a legal reason, or owing to special circumstances, the competent court is unable to exercise judicial power;

(2) When, owing to the popular sentiment of the district, the circumstances of the action, or other circumstances, there is fear that impartiality of trial cannot be maintained.

In the case contemplated in each item of the preceding paragraph, the accused also may move for a change of jurisdiction (change of venue).

Article 18. When, owing to the nature of the offense, the popular sentiment of the district or any other circumstance, there is apprehension that the public peace

he must obtain the permission of the presiding judge in order to copy any article of evidence.

Article 41 Defense counsel may undertake the acts of procedure in his name, which are provided in this law.

Article 42 The legal representative, curator, spouse, lineal relatives, brother or sister of the accused may at any time become an assistant.

Any person who desires to act as an assistant to the accused shall notify the court to that effect in respect of each instance of the trial

Except as otherwise provided in this law, an assistant may take such acts of procedure as the accused is entitled to do, insofar as acts are not against the clearly expressed will of the accused

Chapter V. Decision

Article 43 Except as otherwise provided in this law, judgments (han-ketsu) shall be based on the oral proceedings

A ruling (Kettei) or an order (Meirei) shall not [illegible]

graph may be assigned to a member of a collegiate court concerned, or a judge of a District Court or of Summary Court may be requisitioned to undertake it

Article 44 A decision shall be accompanied by the reason therefor

In the case of a ruling or an order against which no appeal is allowed, reasons therefor may be dispensed with, with the exception of the ruling against which objection may be raised in accordance with Art 428, Par 2

Article 45 Decision other than judgment may be rendered by an assistant judge alone

Article 46 The accused or any other person interested in the suit may, at his own cost, demand the delivery of a copy of or extracts from the document of decision or the protocol in which the decision is entered

Chapter VI Documents and Service

Article 47 No document relating to an action shall be made public prior to the opening of the trial. However, this shall not apply when it is deemed proper on account of the necessity of public interest and other reasons

Article 48 A protocol of the trial shall be prepared in respect to the proceedings taking place on the dates for the trial

The protocol of the trial shall contain important matters concerning the trial held on the dates therefor, as prescribed by the Rules of Court.

The protocol of the public trial must be completed in good order as quickly as possible after each date for trial, at the latest, on or before the pronouncement of judgment, however, this shall not apply to the protocol of the public trial where the judgment is pronounced

Article 49 If the accused has no counsel, he may examine the protocol of the trial, as prescribed by the Rules of Court And if the accused is blind or cannot read himself, he may ask the protocol to be read aloud to him

Article 50 In case where the protocol of the trial was not completed in good order before the date for the next session of the trial, a court clerk shall, upon request of a public procurator, the accused or defense counsel, inform of the outlines of testimony given by witnesses on the date for the last session, either on or before the date for the next session In this case, if the public procurator, the accused or defense counsel who made the request raised an objection as to the accuracy of the outlines of testimony given by witnesses, a statement of such objection shall be entered in the protocol.

In case where the protocol of the trial held in the absence of the accused and his defense counsel was not arranged in good order before the date for the next session, a court clerk shall inform the accused or his counsel who appears either on or before the date for the next session, of the essential happenings which took place on the date for the last session

Article 51 Public Procurator, the accused or defense counsel may raise objection as to the accuracy of the protocol of trial which, if raised at all, must be entered into the protocol

The objection as mentioned in the preceding paragraph must be raised, at latest, before expiration of the term of fourteen days after the last date for public trial of each instance, however, as regards the protocol of the public trial where the judgment is pronounced, objections may be raised (as to their accuracies) within the term fourteen days after the completion of each protocol

Article 52 Proceedings on the date of trial which are written in the protocol of the trial can be proved only by the protocol of the trial

Article 53. Any person may examine the record of the trial after the conclusion of a criminal case However, this shall not apply in case the examination interferes with the preservation of the record of the trial or with the business of a court or a public procurator's office.

Any record of the trial either for a case whose proceedings were closed to the public or whose examination is prohibited to the public because it is considered improper, may not be examined, regardless of the provisions of the preceding paragraph, unless they are the parties interested in the case or they have due reason for its examina-

Article 28. If, where the case involves an offense to which the provisions of Arts. 39 to 41 of the Criminal Code do not apply, the accused or the suspect is devoid of mental capacity, he shall be represented by his legal representative (when there exist two persons who exercise parental power, each of them. The same shall apply hereinafter.) in regard to acts of procedure.

Article 29. When there is no person to represent the accused in accordance with the provisions of the two preceding articles, a special representative shall be appointed by the court by the request of a public procurator or ex-officio.

The same shall apply when there is no person to represent the suspect in accordance with the provisions of the two preceding articles and such request is made by a public procurator, a judicial police officer, or a person interested.

The special representative shall exercise his functions as such until there is another person to do acts of procedure as the representative of the accused or the suspect.

Chapter IV. Defense by Counsel and Assistance by Relatives

Article 30. The accused or the suspect may appoint a counsel at any time.

The legal representative, curator, spouse, lineal relatives, brother or sister of the accused or the suspect may independently appoint a counsel (for the accused or the suspect).

Article 31. Counsel shall be appointed from among advocates.

In the Summary Court or District Court, counsel may be appointed from among persons who are not advocates with the permission of the court. However, this shall apply, in the District Court, only in cases where there is another counsel, appointed from among advocates.

Article 32. Appointment of counsel effected prior to the institution of the public action shall have its effect also in the first instance.

Appointment of counsel after the institution of the public action shall be effected for each instance of the trial.

Article 33. In case there are several defense counsels for the accused, the chief counsel must be appointed as prescribed by the Rules of Court.

Article 34. The powers and functions of the chief defense counsel as mentioned in the preceding Article shall be provided by the Rules of Court.

Article 35. The court may restrict the number of defense counsel of the accused or the suspect according as prescribed by the Rules of Court; however, as regards the defense counsel of the accused, this shall apply only where there are special circumstances.

Article 36. Where the accused is unable to appoint his counsel by reason of poverty or other reasons, the court shall assign a counsel on behalf of the accused in accordance with his request. But this shall not apply where counsel has been appointed for him by some person other than the accused.

Article 37. If the accused is not represented by counsel, the court may, of its own motion, assign a counsel to him in the following cases:

(1) Where the accused is a minor;

(2) Where the accused is not less than seventy years of age;

(3) Where the accused is deaf or mute;

(4) Where the accused is suspected to be mentally unsound or feeble-minded;

(5) Where it is deemed necessary for any other reasons.

Article 38. The counsel to be assigned by a court or a presiding judge in accordance with this law shall be selected from among advocates.

The counsel appointed by state in accordance with the provisions of the preceding paragraph shall be entitled to demand travelling expenses, daily allowance, charge for lodging and fees.

Article 39. The suspect or accused placed under restraint in any way may, without having any official watchman present, have an interview with his defense counsel or any other person who is going to be his counsel, upon request of the person who is entitled to select defense counsel (in case where a person other than professional defense lawyer is going to be selected as a defense counsel, this shall apply only after the permission prescribed in paragraph 2, Article 31 has been obtained), and may deliver or receive any documents or any other things.

With regards to the interview and delivery or receipt of things, measures may be provided by Law or Ordinance (including the Rule of Court the same shall apply hereinafter), which are necessary for preventing the escape of the suspect or accused, the destruction or alteration of evidence, or the delivery or receipt of those things which may hinder the safe custody of the suspect or accused.

The public procurator, secretary of public procurator's office or judicial police official (this includes both judicial police officer and constable. The same shall apply hereinafter) may, when it is necessary for investigation, designate the date, place and time of interview and delivery or receipt of things mentioned in Para. 1 only prior to the institution of the public action, provided that such designation does not unreasonably hold the suspect in check when he exercises his rights for the defense.

Article 40. Subsequent to the institution of the public action, a counsel may, in a court, inspect or copy documents and articles of evidence relating to the action; but

he must obtain the permission of the presiding judge in order to copy any article of evidence.

Article 41. Defense counsel may undertake the acts of procedure in his name, which are provided in this law.

Article 42 The legal representative, curator, spouse, lineal relatives, brother or sister of the accused may at any time become an assistant

Any person who desires to act as an assistant to the accused shall notify the court to that effect in respect of each instance of the trial

Except as otherwise provided in this law, an assistant may take such acts of procedure as the accused is entitled to do, insofar as acts are not against the clearly expressed will of the accused

Chapter V. Decision

Article 43 Except as otherwise provided in this law, judgments (han-ketsu) shall be based on the oral proceedings

A ruling (Kettei) or an order (Meirei) shall not necessarily be based upon oral proceedings

In making a ruling or an order, the court may, whenever necessary, make examination of facts

The examination mentioned in the preceding paragraph may be assigned to a member of a collegiate court concerned, or a judge of a District Court or of Summary Court may be requisitioned to undertake it

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In the case of a ruling or an order against which no appeal is allowed, reasons therefor may be dispensed with, with the exception of the ruling against which objection may be raised in accordance with Art. 428, Par 2

Article 45 Decision other than judgment may be rendered by an assistant judge alone

Article 46 The accused or any other person interested [illegible]

Chapter VI Documents and Service

Article 47 No document relating to an action shall be made public prior to the opening of the trial However, this shall not apply when it is deemed proper on account of the necessity of public interest and other reasons

Article 48 A protocol of the trial shall be prepared in respect to the proceedings taking place on the dates for the trial

The protocol of the trial shall contain important matters concerning the trial held on the dates therefor, as prescribed by the Rules of Court

The protocol of the public trial must be completed in good order as quickly as possible after each date for trial, at the latest, on or before the pronouncement of judgment, however, this shall not apply to the protocol of the public trial where the judgment is pronounced

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Article 50 In case where the protocol of the trial was not completed in good order before the date for the next session of the trial, a court clerk shall, upon request of a public procurator, the accused or defense counsel, inform of the outlines of testimony given by witnesses on the date for the last session, either on or before the date for the next session In this case, if the public procurator, the accused or defense counsel who made the request raised an objection as to the accuracy of the outlines of testimony given by witnesses, a statement of such objection shall be entered in the protocol

In case where the protocol of the trial held in the absence of the accused and his defense counsel was not arranged in good order before the date for the next session, a court clerk shall inform the accused or his counsel who appears either on or before the date for the next session, of the essential happenings which took place on the date for the last session

Article 51. Public Procurator, the accused or defense counsel may raise objection as to the accuracy of the protocol of trial which, if raised at all, must be entered into the protocol

The objection as mentioned in the preceding paragraph must be raised, at latest, before expiration of the term of fourteen days after the last date for public trial of each instance; however, as regards the protocol of the public trial where the judgment is pronounced, objections may be raised (as to their accuracies) within the term fourteen days after the completion of each protocol.

Article 52 Proceedings on the date of trial which are written in the protocol of the trial can be proved only by the protocol of the trial.

Article 53 Any person may examine the record of the trial after the conclusion of a criminal case However, this shall not apply in case the examination interferes with the preservation of the record of the trial or with the business of a court or a public procurator's office

[illegible]

preceding paragraph, unless they are the parties interested in the case or they have due reason for its examina-

tion and have obtained the special permission of the custodian of the record of the trial.

In respect to the cases as prescribed by the proviso of Par. 2 of Art. 82 of the Constitution of Japan, the examination of the records of such cases may not be prohibited.

Matters concerning the preservation of records and charges for examination of records shall be provided by other law.

Article 54. Except as otherwise provided by the Rules of Court, the provisions concerning the Civil Procedure (excluding the provisions regarding service by publication) shall apply mutatis mutandis to the service of documents.

Chapter VII. Periods of Time

Article 55. In the calculation of periods, those that are calculated by hours shall begin to run immediately, while in the calculation of those that are calculated by days, months or years, the first day shall not be included; but the first day of a period of prescription shall be counted as one day irrespective of the number of hours involved.

Months and years shall be calculated in accordance with the calendar.

If the last day of a period falls on Sunday, the 1st, 2nd or 4th of January, the 29th 30th or 31st of December, or a day designated as a general holiday, such day shall not be included in the calculation, but this shall not apply to the case of a period of prescription.

Article 56. A legal period may be extended, as fixed by the rule of court, in accordance with the distance between the place of domicile, residence of office of the person who is required to do the act of procedure and the locality of the court or the public procurator's office, and the conveniency in respect to communication and traffic.

The provision of the preceding paragraph shall not apply to the period within a recourse against a judgment which has been pronounced must be made.

Chapter VIII. Summons, Production and Detention of the Accused

Article 57. A court may summon the accused giving a reasonable notice in advance which shall be provided by the Rules of Court.

Article 58. A court may produce the accused in the following cases:

(1) If he has no fixed dwelling;

(2) If he fails to, or if there is apprehension that he would fail to, comply with the request of summon without good reason.

Article 59. The accused who has been produced shall be released within twenty-four hours from the time when he was brought to court. However, this shall not apply when a warrant of detention is issued within the said period.

Article 60. The court may detain the accused when there is reasonable ground enough to suspect that he has committed a crime and the case falls under any one of the following items:

(1) Where the accused has no fixed dwelling;

(2) Where there is reasonable ground enough to suspect that the accused may destroy evidence;

(3) Where the accused escaped or there is reasonable ground enough to suspect that he may escape.

The term of detention shall not exceed two months after the day of the institution of public action. Where there is special necessity for continuing further detention, the term may be renewed every last day of one month period by means of a ruling with a statement of the concrete reasons for the renewal. However, the renewal of the detention term may be rendered only once except in the cases which fall under Item 1 and 3 to 5, Art. 89.

In respect to a case involving a fine not exceeding five hundred yen, detention or minor fine, the first paragraph of this Article shall apply only where the accused has no fixed dwelling.

Article 61. The accused may not be placed under detention until after the court has informed the accused of the charge and has heard the statement regarding it. But this shall not apply to cases where the accused has taken flight.

Article 62. The summons production or detention of the accused shall be effected by issuing a writ of summons or a warrant of production or of detention.

Article 63. A writ of summons shall contain the name and dwelling of the accused; the name of crime; the date, time and place for appearance; a statement that a warrant of production may be issued in case he fails to appear without good reason; as well as other matters as prescribed by the rules of the court; and the signature and seal of the presiding judge or commissioned judge issuing the writ.

Article 64. A warrant of production or of detention shall contain the name and dwelling of the accused; the name of crime; essential facts concerning the public action; place where to bring him or prison where to detain him; effective period and a statement that the warrant shall not be executed after the lapse of such period and shall be returned to the court of issuance; the date issued, as well as such other matters as prescribed by the rules of the court; and the signature and seal of the presiding judge or commissioned judge issuing the warrant.

In case the name of the accused is uncertain, he may be identified by the description of his face, build, or other features specifying him

In case the dwelling of the accused is uncertain, it shall not have to be stated

Article 65 Writs of summons shall be served

If the accused has filed a document stating that he will appear on a day fixed for hearing, or if court orders the accused, who appears on a date for hearing, to appear on the next date for hearing, it shall have the same effect as service of a writ of summons In case, however, appearance has been orally ordered, the fact shall be entered in the protocol

The accused who is detained in a prison near the Court may be summoned by means of a notification addressed to the prison authorities

In such a case a writ of summons shall be deemed to have been served when the accused has received the notification from the prison authorities

Article 66 A court may requisition a judge of a District Court or a Summary Court of the place where the accused is at present to produce the accused

The requisitioned judge may in turn requisition a judge of another District Court or Summary Court, who is authorized to accept such requisition

If the requisitioned judge has himself no authority over the matter under requisition, he may transfer the requisition to a judge of another District Court or Summary Court who is authorized to accept such requisition

The judge who has received or been transferred such requisition shall issue a warrant of production

The provisions of Article 84 shall apply mutatis mutandis to the warrant of production mentioned in the preceding paragraph In this case, the warrant shall contain a statement that it is issued under requisition

Article 67 The judge who has issued a warrant of production under commission in the case of the preceding Article shall within twenty-four hours from the time when the accused was brought, make an inquiry as to whether no mistake has been made as to his identity

If there has been no mistake as to the identity of the accused, he shall be promptly and directly delivered to the court designated In such case, the judge who has issued the warrant of production under commission shall specify a time limit within which the accused shall be brought before the court designated

Article 68 The court may, in case of necessity, order the accused to appear at, or be accompanied to, any place designated by him If, in such case, the accused fails to comply with such order without good reason, he may be produced to such place In such case the period specified in Article 59 shall be calculated from the time when the accused was produced to the said place

Article 69 *In case of urgency, a presiding judge may* take the measures provided for in Articles 57 to 62, Articles 65, 66 and preceding Article inclusive, or cause a member of his collegiate court to do so

Article 70 A warrant of production or of detention shall be executed by a secretary of a public procurator's office or a judicial police official under the direction of a procurator, but in case of urgency the execution may be directed by a *presiding judge, a commissioned judge*, or a judge of a District Court or of a Summary Court

A warrant of detention issued against the accused who is in prison shall be executed by prison officers under the directions of a procurator

Article 71 A secretary of a public procurator's office or a judicial police official may, in case of necessity, execute a warrant of production outside his district, or have it executed by a secretary of a public procurator's office or a judicial police officer on the spot

Article 72 When the present whereabouts of the accused is unknown, a presiding judge may commission the chief of High Procurator's Office to carry out an investigation

The chief of High Procurator's Office who has received such commission shall cause the procurator within his *districts to follow the procedure for the investigation* and the execution of the warrant of production

any other place designated In the case of a warrant of production mentioned in Article 66, Par 4, the accused shall be brought before the judge who issued the warrant

In executing a warrant of detention, it shall be shown to the accused, who shall be taken as promptly as possible and directly to the prison designated

Even if no warrant of production or detention is possessed, when the matters require urgency, the warrant may be executed after the accused has been informed of the essential facts concerning the public action and of *the fact that the warrant has been issued, notwithstanding* the preceding two paragraphs However, the warrant shall be shown as soon as possible

Article 74 When the accused against whom a warrant of production or of detention has been executed, is to be sent under guard, he may, in case of necessity, be provisionally detained in the nearest prison

Article 75 In case the accused against whom a warrant of production has been executed has been brought, he may, if necessary be detained in prison.

Article 76 In case the accused has been produced, he shall immediately be informed of the gist of the indictment and of the fact of his being entitled to select a counsel, and also of his right to assignment of counsel on his behalf by the court in case he is unable to secure counsel by his own efforts because of poverty or other reasons However, if the accused already has a counsel, it shall suffice to inform him only of the gist of the indictment.

tion and have obtained the special permission of the custodian of the record of the trial.

In respect to the cases as prescribed by the proviso of Par. 2 of Art. 82 of the Constitution of Japan, the examination of the records of such cases may not be prohibited.

Matters concerning the preservation of records and charges for examination of records shall be provided by other law.

Article 54. Except as otherwise provided by the Rules of Court, the provisions concerning the Civil Procedure (excluding the provisions regarding service by publication) shall apply mutatis mutandis to the service of documents.

Chapter VII. Periods of Time

Article 55. In the calculation of periods, those that are calculated by hours shall begin to run immediately, while in the calculation of those that are calculated by days, months or years, the first day shall not be included; but the first day of a period of prescription shall be counted as one day irrespective of the number of hours involved.

Months and years shall be calculated in accordance with the calendar.

If the last day of a period falls on Sunday, the 1st, 2nd or 4th of January, the 29th 30th or 31st of December, or a day designated as a general holiday, such day shall not be included in the calculation, but this shall not apply to the case of a period of prescription.

Article 56. A legal period may be extended, as fixed by the rule of court, in accordance with the distance between the place of domicile, residence of office of the person who is required to do the act of procedure and the locality of the court or the public procurator's office, and the conveniency in respect to communication and traffic.

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Chapter VIII. Summons, Production and Detention of the Accused

Article 57. A court may summon the accused giving a reasonable notice in advance which shall be provided by the Rules of Court.

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(1) If he has no fixed dwelling;

(2) If he fails to, or if there is apprehension that he would fail to, comply with the request of summon without good reason.

Article 59. The accused who has been produced shall be released within twenty-four hours from the time when he was brought to court. However, this shall not apply when a warrant of detention is issued within the said period.

Article 60. The court may detain the accused when there is reasonable ground enough to suspect that he has committed a crime and the case falls under any one of the following items:

(1) Where the accused has no fixed dwelling;

(2) Where there is reasonable ground enough to suspect that the accused may destroy evidence;

(3) Where the accused escaped or there is reasonable ground enough to suspect that he may escape.

The term of detention shall not exceed two months after the day of the institution of public action. Where there is special necessity for continuing further detention, the term may be renewed every last day of one month period by means of a ruling with a statement of the concrete reasons for the renewal. However, the renewal of the detention term may be rendered only once except in the cases which fall under Item 1 and 3 to 5, Art. 89.

In respect to a case involving a fine not exceeding five hundred yen, detention or minor fine, the first paragraph of this Article shall apply only where the accused has no fixed dwelling.

Article 61. The accused may not be placed under detention until after the court has informed the accused of the charge and has heard the statement regarding it. But this shall not apply to cases where the accused has taken flight.

Article 62. The summons production or detention of the accused shall be effected by issuing a writ of summons or a warrant of production or of detention.

Article 63. A writ of summons shall contain the name and dwelling of the accused; the name of crime; the date, time and place for appearance; a statement that a warrant of production may be issued in case he fails to appear without good reason; as well as other matters as prescribed by the rules of the court; and the signature and seal of the presiding judge or commissioned judge issuing the writ.

Article 64. A warrant of production or of detention shall contain the name and dwelling of the accused; the name of crime; essential facts concerning the public action; place where to bring him or prison where to detain him; effective period and a statement that the warrant shall not be executed after the lapse of such period and shall be returned to the court of issuance; the date issued, as well as such other matters as prescribed by the rules of the court; and the signature and seal of the presiding judge or commissioned judge issuing the warrant.

(2) Where the accused was previously convicted of an offense punishable by death penalty or penal servitude or imprisonment for an indeterminate period or for maximum period of more than ten years;

(3) Where the accused is an habitual offender of an offense punishable by a maximum penalty of penal servitude or imprisonment for a period of three years or more,

(4) Where there is a reasonable cause to suspect that the accused may destroy evidences,

(5) Where the name and dwelling of the accused is unknown.

Article 90. A court may, if it deems it proper, permit release on bail ex-officio

Article 91. When detention by warrant of detention has been effected for an unreasonably long period, the court shall, by a ruling, rescind the detention or allow the release on bail upon request made by the person mentioned in Article 88, or ex-officio

Provision of Article 82, Par 3 shall apply mutatis mutandis to the request in accordance with the preceding paragraph.

Article 92 A court shall hear the opinion of a public procurator before it renders a ruling to allow release on bail or to reject the request therefor

Article 93 Where release on bail is granted, the amount of the bail money shall be fixed

The bail money shall be fixed by the court, at an amount sufficient and adequate to insure the presence of the accused, taking into consideration the nature and circumstances of the offense, weight of evidence against the accused, his financial ability to give bail and his character

When release on bail is granted, restriction may be imposed on the place of residence of the accused, or any other conditions which are considered proper may be imposed

Article 94. A ruling granting release on bail may not be executed before the bail money has been paid in

A court may permit a person other than the person demanding bail to pay in the bail money

A court may permit negotiable securities, or a written undertaking produced by a person other than the accused, whom the court recognized as the proper person, to be substituted for the bail money

Article 95 A court may, by a ruling, if it deems it proper, suspend the execution of the detention with entrusting the accused under detention to the charge of a relative, a protective institution, or any other person, [illegible]

he fails to appear without good reason when summoned, when there is an apprehension of his destroying evidence of guilt or when he has infringed the restriction imposed upon his place of residence or the other conditions fixed by the court, the court may rescind by a ruling release on bail or the suspension of execution or detention.

In case the release on bail is rescinded the court may, by a ruling, confiscate the whole or a part of the bail money.

When a person released on bail against whom a penal sentence has been given and the judgment has become finally binding, has failed, without good reason, to appear when called before the court for execution, or has taken flight, the court shall, on the motion of a procurator, by a ruling, confiscate the whole or a part of the bail money

Article 97 In case the detention is to be rescinded, or release on bail, or suspension of the execution of detention is to be effected or rescinded, in connection with a case respecting which the period for appeal has not expired, and the appeal of which has not yet been instituted, a ruling necessary for the purpose shall be rendered by the court of original instance

The court which is to render the ruling mentioned in the preceding paragraph, in connection with the case regarding which an appeal is pending and the record of the proceedings has not reached the court of appeal, shall be determined by the rule of court

The provisions of the preceding two paragraphs shall mutatis mutandis apply to the case where the indication of reason for detention is to be made

Article 98 Where the release on bail or the suspension of execution of detention is rescinded (by ruling), or the term of the suspension (of the execution of detention) expires, the accused must be put in confinement, under the direction of the Public Procurator, by the Secretary of the Public Procurator's Office, Judicial Police Officials or the Prison Officer who shall show the accused the copy of the warrant of detention, or the copy of the written ruling which has rescinded the release on bail or the suspension of execution of detention or which had fixed the term of the suspension

Chapter IX. Seizure and Search

Article 99. When it is necessary, a court may seize any articles which it believes should be used as evidence, or liable to confiscation, except as otherwise provided (in this and other laws)

A court may designate articles to be seized and order the owner, possessor or custodian thereof to produce such articles

Article 100 A court may seize or cause to be produced postal matters or papers relating to telegrams, dispatched by or to the accused, which are in the custody or possession of a government office or of any other person transacting communication business

A member of a collegiate court or the court clerk may be caused to take the measure mentioned in the preceding paragraph.

In the case where a warrant of production was issued in accordance with Article 66, Par. 4, the measure mentioned in the first paragraph shall be taken by a requisitioned judge, but the court clerk may be caused to do so.

Article 77. In order to detain the accused excepting the case where the detention follows production or arrest, the accused shall be informed of the fact that he may select a counsel and also of his right to assignment of counsel on his behalf by the court in case he is unable to secure counsel by his own efforts because of poverty or other reasons. However, this shall not apply in case the accused already has a counsel.

In the case of the proviso of Article 61, the accused shall be informed of the gist of the indictment in addition to the fact provided in the preceding paragraph, immediately after he has been detailed. However, if the accused already has a counsel, it shall suffice to inform him only of the gist of the facts of public action.

The provision of Par. 2 of the preceding Article shall apply mutatis mutandis to the measures mentioned in the two preceding paragraphs.

Article 78. The accused who has been produced or detained may apply to a court or to chief prison officer or his substitute, for the appointment of counsel, designating an advocate or a Bar Association. But this shall not apply if the accused already has a counsel.

A court, a chief prison officer or his substitute which has received such application shall give notice of such fact to the advocate or the Bar Association designated by the accused, without delay. In case the accused in making the application mentioned in the preceding paragraph has designated two or more advocates or Bar Association, it shall suffice to give the notice to one of them.

Article 79. When the accused has been detained the counsel shall be notified of such fact. If he has no counsel, such notice shall be given to whomever is designated by him from among his legal representative, curator, spouse, lineal relatives, brother and sister.

Article 80. An accused who is under detention may, insofar as laws and ordinances permit, see persons other than those provided in Article 39, Par. 1 or deliver to them or receive from them documents or other things. The same shall apply to an accused who is in prison in consequence of a warrant of production.

Article 81. When there is apprehension of his taking flight, or of his destroying evidence of his guilt a court may forbid an accused who is under detention to see the persons other than those mentioned in Article 39, Par. 1, examine documents and other things he may deliver to or receive from them, forbid him to deliver or receive them; or seize them. But he may not be forbidden to receive food; nor may such food be seized.

Article 82. An accused who is under detention may request a court to indicate the reason for his detention.

The counsel, legal representative, curator, spouse, lineal relative, brother or sister of the accused under detention, or other interested person may make the request mentioned in the preceding paragraph.

The request mentioned in the two preceding paragraphs shall lose its effect when the release on bail, or suspension of execution of detention has been effected, when detention has been rescinded, or when a warrant of detention has lost its effect.

Article 83. The proceedings of indication shall be held in open court.

The court shall be opened in the presence of judges and court clerks.

The court may not be opened if the accused and his counsel do not appear. However, this shall not apply to the case, regarding the appearance of the accused, where the accused is unable to appear by such unavoidable reasons as illness and there is no objection on the part of the accused, and to the case, regarding the appearance of his counsel, where there is no objection on the part of the accused.

Article 84. In the court a presiding judge shall give notification of the reasons for detention.

The accused, his counsel and the other person who made the request may state their opinions as well as a public procurator.

Article 85. The proceedings of indication may be effected by the members constituting a collegiate body.

Article 86. In case there are two or more requests mentioned in Article 82 in respect to one and same detention, the procedure relating to indication shall be taken as for the first request. The other requests shall be dismissed, by a ruling, after the procedure of indication has been completed.

Article 87. When the grounds or necessity of detention have ceased to exist, the court shall, upon the request of a public procurator, accused under the detention or his defense counsel, legal representatives, curator, spouse, lineal relatives or brothers and sisters, or ex-officio, by ruling rescind the detention.

Provision of Article 82, Par. 3 shall apply mutatis mutandis to the request mentioned in the preceding paragraph.

Article 88. The accused under detention or his counsel, legal representative, curator, spouse, lineal relatives, brothers or sisters may request release on bail.

Provision of Article 82, Par. 3 shall apply mutatis mutandis to the request mentioned in the preceding paragraph.

Article 89. When request for release on bail has been made, it must be allowed except in the following cases:

(1) Where the accused is charged with a crime punishable with death penalty or penal servitude or imprisonment for an indeterminate period;

(2) Where the accused was previously convicted of an offense punishable by death penalty or penal servitude or imprisonment for an indeterminate period or for maximum period of more than ten years;

(3) Where the accused is an habitual offender of an offense punishable by a maximum penalty of penal servitude or imprisonment for a period of three years or more,

(4) Where there is a reasonable cause to suspect that the accused may destroy evidences,

(5) Where the name and dwelling of the accused is unknown

Article 90 A court may, if it deems it proper, permit release on bail ex-officio.

Article 91. When detention by warrant of detention has been effected for an unreasonably long period, the court shall, by a ruling, rescind the detention or allow the release on bail upon request made by the person mentioned in Article 88, or ex-officio

Provision of Article 82, Par 3 shall apply mutatis mutandis to the request in accordance with the preceding paragraph.

Article 92 A court shall hear the opinion of a public procurator before it renders a ruling to allow release on bail or to reject the request therefor.

Article 93 Where release on bail is granted, the amount of the bail money shall be fixed

The bail money shall be fixed by the court, at an amount sufficient and adequate to insure the presence of the accused, taking into consideration the nature and circumstances of the offense, weight of evidence against the accused, his financial ability to give bail and his character.

When release on bail is granted, restriction may be imposed on the place of residence of the accused, or any other conditions which are considered proper may be imposed

Article 94 A ruling granting release on bail may not be executed before the bail money has been paid in

A court may permit a person other than the person demanding bail to pay in the bail money

A court may permit negotiable securities, or a written undertaking produced by a person other than the accused, whom the court recognized as the proper person, to be substituted for the bail money

Article 95. A court may, by a ruling, if it deems it proper, suspend the execution of the detention with entrusting the accused under detention to the charge of a relative, a protective institution, or any other person, [illegible]

when there is an apprehension of his destroying evidence of guilt or when he has infringed the restriction imposed upon his place of residence or the other conditions fixed by the court, the court may rescind by a ruling release on bail or the suspension of execution or detention.

In case the release on bail is rescinded the court may, by a ruling, confiscate the whole or a part of the bail money.

When a person released on bail against whom a penal sentence has been given and the judgment has become finally binding, has failed, without good reason, to appear when called before the court for execution, or has taken flight, the court shall, on the motion of a procurator, by a ruling, confiscate the whole or a part of the bail money

Article 97 In case the detention is to be rescinded, or release on bail, or suspension of the execution of detention is to be effected or rescinded, in connection with a case respecting which the period for appeal has not expired, and the appeal of which has not yet been instituted, a ruling necessary for the purpose shall be rendered by the court of original instance

The court which is to render the ruling mentioned in the preceding paragraph, in connection with the case regarding which an appeal is pending and the record of the proceedings has not reached the court of appeal, shall be determined by the rule of court

The provisions of the preceding two paragraphs shall mutatis mutandis apply to the case where the indication of reason for detention is to be made

Article 98. Where the release on bail or the suspension of execution of detention is rescinded (by ruling), or the term of the suspension (of the execution of detention) expires, the accused must be put in confinement, under the direction of the Public Procurator, by the Secretary of the Public Procurator's Office, Judicial Police Officials or the Prison Officer who shall show the accused the copy of the warrant of detention, or the copy of the written ruling which has rescinded the release on bail or the suspension of execution of detention or which had fixed the term of the suspension.

Chapter IX. Seizure and Search

[illegible]

this and other laws)

A court may designate articles to be seized and order the owner, possessor or custodian thereof to produce such articles

Article 100 A court may seize or cause to be produced postal matters or papers relating to telegrams, dispatched by or to the accused, which are in the custody or possession of a government office or of any other person transacting communication business

Postal matters or papers relating to telegrams other than those mentioned in the preceding paragraph, which are in the custody or possession of a government office or of any other person transacting communication business, may be seized or caused to be produced, only when there are circumstances which warrant their being considered to be connected with the case in hand.

When any disposition has been effected under the provisions of the two preceding paragraphs, notice of such fact shall be given to the sender or to the addressee. But this shall not apply if there is apprehension that such notification may obstruct the trial.

Article 101. Articles which have been dropped or left behind by the accused or any other person, or which have been voluntarily produced by their owner, possessor or custodian, may be retained.

Article 102. A court may, when it deems necessary, search the person, effects or dwelling or any other place of the accused.

The person, effects or dwelling or any other place of a person other than the accused may be searched only when there are circumstances which warrant belief that there are articles liable to seizure there.

Article 103. If, in respect to articles held in the custody or possession of a person who is or was a public official, such person or the public office to which he belongs declares that they relate to an official secret, such articles may only be seized with the consent of the competent supervisory office. But such office may not refuse to give such consent except in cases where compliance would be prejudicial to important interests of the State.

Article 104. If the declaration mentioned in the preceding Article has been made, by the following persons, the seizure shall not be effected without the consent of the House in the case of a person mentioned in No. 1 and without the consent of the Cabinet in the case of a person mentioned in No. 2:

1. Person who is or was a member of the House of Representatives or the House of Councillors;
2. Person who is or was Prime Minister or a Minister of State.

In the case of the preceding paragraph, the House of Representatives, the House of Councillors or the Cabinet may not refuse to give such consent except in case where compliance would be prejudicial to important interests of the State.

Article 105. A person who is, or was, a doctor, dentist, midwife, nurse, advocate, patent agent, notary public or a religious functionary may refuse seizure of articles held in his custody or possession in consequence of a mandate he has received in professional lines and which relates to secrets of other persons. But this shall not apply if the principal has consented to such seizure, or if the refusal of seizure is deemed as nothing but an abuse of right intended merely for the interest of the accused when he is not a principal or if there exist any special circumstances which shall be provided by the Rules of Court.

Article 106. A warrant of seizure or of search shall be issued in case seizure or search is to be effected elsewhere than in open court.

Article 107. A warrant of seizure or search shall contain the name of the accused and offense; articles to be seized or place, body or articles to be searched; effective period; and a statement that the execution of warrant shall not be commenced in any way after the lapse of such period and shall be returned to the court of issuance; and the date of issuance as well as such other matters as prescribed by the Rules of Court; and the signature and seal of the presiding judge.

The provisions of Par. 2 of Article 64 shall apply mutatis mutandis to the warrant of seizure or search mentioned in the preceding paragraph.

Article 108. A warrant of seizure or of search shall be executed by a secretary of a public procurator's office or a judicial police official or constable under the direction of a public procurator.

However, in cases where the court feels it is necessary to protect the interests of the accused, the presiding judge may direct that the warrant be executed by the court clerk or a judicial police official.

In the execution of a warrant of seizure or of search, the court may give such instructions in writing as it considers proper to an execution.

The instructions mentioned in the preceding paragraph may be caused to be made by a member of a collegiate court.

The provisions of Art. 71 shall apply mutatis mutandis to the execution of a warrant of seizure or of search.

Article 109. In the execution of a warrant of seizure or of search, a secretary of a public procurator's office or a court clerk may, if necessary, ask a judicial police official for assistance.

Article 110. A warrant of seizure or of search shall be shown to the person against whom the measure is taken.

Article 111. In the execution of a warrant of seizure or of search, locks may be removed or seals opened, or any other necessary measures taken. The same shall apply to the seizure or search effected in open court.

The disposition mentioned in the preceding paragraph may be conducted in regard to the seized articles.

Article 112. During the execution of a warrant of seizure or of search, any person whosoever may be forbidden to enter or leave the place without permission.

Any person who does not comply with the prohibition of the preceding paragraph may be forced to withdraw or be placed under guard until the execution is completed.

Article 113. A public procurator, accused or his counsel may be present when the warrant of seizure or

f search is being executed. However, this shall not pply to an accused under detention

The person who executed a warrant of seizure or of earch shall inform, in advance, the persons who may e present in accordance with the provisions of the preceding paragraph, of the date and time and the place of he execution However, this shall not apply to the ase where a person who is entitled to be present at the execution clearly expresses his will in advance, to the ourt or a judge, not to be present there and to the case where urgency is required

In the execution of a warrant of seizure or of search, the court may, if necessary, cause the accused to be present

Article 114 In case a warrant of seizure or of search is to be executed in a public office, a head of such office or a person acting for him, shall be notified of the fact and caused to be present when the disposition is being effected

Where, apart from cases governed by the provisions of the preceding paragraph, a warrant of seizure or of search is to be executed in the dwelling of a person or in premises, buildings or vessels guarded by persons, the occupant or keeper or persons acting for the same shall be caused to be present If such persons are not available, a neighbor or an official of local public entities shall be caused to be present

Article 115 When a warrant of search is executed on the person of a woman, another woman of full age shall be required to be present But this shall not apply in cases of urgency

Article 116 Before sunrise and after sunset the dwelling of a person or premises, buildings or vessels guarded by persons, may not be entered for the purpose of the execution of a warrant of seizure or of search unless the warrant includes a statement that it is to be executed even at night

In case the execution of a warrant of seizure or of search was commenced before sunset, the disposition may be continued even after sunset

Article 117. The restriction provided for in Par 1 of the preceding Article need not be observed in respect to the execution of a warrant of seizure or of search in the following

(1) Places which are considered to be habitually used for gambling, lotteries or acts prejudicial to good morals,

(2) Inns, restaurants or other places to which the public has access even at night-time, but only during the hours when they are open to the public

Article 118 When it is necessary in case the execution of a warrant of seizure or of search is suspended, the place concerned may be closed or the guard may be set for it until the execution is completed

Article 119 When a search has been made without discovering any piece of evidence or articles liable to confiscation, a certificate to that effect shall be delivered, on his demand, to the person who has been subject to such search

Article 120 In case of seizure, an inventory of the property taken shall be given to the owner, possessor or custodian of the property, or in his absence, to the person who represents him

Article 121 In respect to articles seized which cannot be conveniently transported or held in custody, either a custodian may be appointed or the owner or some other person may be asked to assume custody thereof, if he gives consent to it

Articles seized may be destroyed or thrown away if there is apprehension of their causing danger

The person who executed a warrant of seizure also may effect the dispositions mentioned in the preceding two paragraphs unless otherwise directed by a court

Article 122 If there is apprehension that any articles seized which are liable to confiscation may be lost, destroyed or damaged, or if they are inconvenient to hold in custody, they may be sold by court and the proceeds held in the custody

Article 123 Any articles seized which it is unnecessary to retain shall, by a ruling, be restored without awaiting the completion of the case

On the demand of the owner, holder, custodian or party who has produced them, articles under seizure may be temporarily restored, by a ruling

The opinion of a procurator and the accused or his counsel shall be heard before the rulings mentioned in the two preceding paragraphs are rendered

Article 124 Ill-gotten goods seized, which it is unnecessary to retain shall, after hearing the opinion of a procurator and the accused or his counsel, be restored to the injured party, by a ruling without awaiting the completion of the case, but only when there are obvious reasons for restoring them to the injured party

The provisions of the preceding paragraph shall not prevent any person interested from asserting his right by means of civil proceedings.

Article 125 A member of a collegiate court may be caused to effect seizure or search, or a judge of a District Court or a Summary Court at the place where such seizure or search is to be effected may be requisitioned to do so

A requisitioned judge may in turn requisition another

over the matter under requisition, he may transfer the

Postal matters or papers relating to telegrams other than those mentioned in the preceding paragraph, which are in the custody or possession of a government office or of any other person transacting communication business, may be seized or caused to be produced, only when there are circumstances which warrant their being considered to be connected with the case in hand.

When any disposition has been effected under the provisions of the two preceding paragraphs, notice of such fact shall be given to the sender or to the addressee. But this shall not apply if there is apprehension that such notification may obstruct the trial.

Article 101. Articles which have been dropped or left behind by the accused or any other person, or which have been voluntarily produced by their owner, possessor or custodian, may be retained.

Article 102. A court may, when it deems necessary, search the person, effects or dwelling or any other place of the accused.

The person, effects or dwelling or any other place of a person other than the accused may be searched only when there are circumstances which warrant belief that there are articles liable to seizure there.

Article 103. If, in respect to articles held in the custody or possession of a person who is or was a public official, such person or the public office to which he belongs declares that they relate to an official secret, such articles may only be seized with the consent of the competent supervisory office. But such office may not refuse to give such consent except in cases where compliance would be prejudicial to important interests of the State.

Article 104. If the declaration mentioned in the preceding Article has been made, by the following persons, the seizure shall not be effected without the consent of the House in the case of a person mentioned in No. 1 and without the consent of the Cabinet in the case of a person mentioned in No. 2:

1. Person who is or was a member of the House of Representatives or the House of Councillors;
2. Person who is or was Prime Minister or a Minister of State.

In the case of the preceding paragraph, the House of Representatives, the House of Councillors or the Cabinet may not refuse to give such consent except in case where compliance would be prejudicial to important interests of the State.

Article 105. A person who is, or was, a doctor, dentist, midwife, nurse, advocate, patent agent, notary public or a religious functionary may refuse seizure of articles held in his custody or possession in consequence of a mandate he has received in professional lines and which relates to secrets of other persons. But this shall not apply if the principal has consented to such seizure, or if the refusal of seizure is deemed as nothing but an abuse of right intended merely for the interest of the accused when he is not a principal or if there exist any special circumstances which shall be provided by the Rules of Court.

Article 106. A warrant of seizure or of search shall be issued in case seizure or search is to be effected elsewhere than in open court.

Article 107. A warrant of seizure or search shall contain the name of the accused and offense; articles to be seized or place, body or articles to be searched; effective period; and a statement that the execution of warrant shall not be commenced in any way after the lapse of such period and shall be returned to the court of issuance; and the date of issuance as well as such other matters as prescribed by the Rules of Court; and the signature and seal of the presiding judge.

The provisions of Par. 2 of Article 64 shall apply mutatis mutandis to the warrant of seizure or search mentioned in the preceding paragraph.

Article 108. A warrant of seizure or of search shall be executed by a secretary of a public procurator's office or a judicial police official or constable under the direction of a public procurator.

However, in cases where the court feels it is necessary to protect the interests of the accused, the presiding judge may direct that the warrant be executed by the court clerk or a judicial police official.

In the execution of a warrant of seizure or of search, the court may give such instructions in writing as it considers proper to an execution.

The instructions mentioned in the preceding paragraph may be caused to be made by a member of a collegiate court.

The provisions of Art. 71 shall apply mutatis mutandis to the execution of a warrant of seizure or of search.

Article 109. In the execution of a warrant of seizure or of search, a secretary of a public procurator's office or a court clerk may, if necessary, ask a judicial police official for assistance.

Article 110. A warrant of seizure or of search shall be shown to the person against whom the measure is taken.

Article 111. In the execution of a warrant of seizure or of search, locks may be removed or seals opened, or any other necessary measures taken. The same shall apply to the seizure or search effected in open court.

The disposition mentioned in the preceding paragraph may be conducted in regard to the seized articles.

Article 112. During the execution of a warrant of seizure or of search, any person whosoever may be forbidden to enter or leave the place without permission.

Any person who does not comply with the prohibition of the preceding paragraph may be forced to withdraw or be placed under guard until the execution is completed.

Article 113. A public procurator, accused or his counsel may be present when the warrant of seizure or

with the consent of the competent supervisory office But such office may not refuse to give such consent except in cases where compliance would be prejudicial to important interests of the State

Article 145 When the declaration mentioned in the preceding article has been made by the following person, they shall not be examined as witnesses without the consent of the House in the case of a person mentioned in No 1 and of the Cabinet in the case of a person mentioned in No 2:

(1) Person who is or was a member of the House of Representatives or the House of Councillors,

(2) Person who is, or was, a Prime Minister or Minister of State

In the case of the preceding paragraph, the House of Representatives, the House of Councillors or the Cabinet may not refuse to give such consent except in cases where compliance would be prejudicial to important interests of the State

Article 146 One may refuse to answer any question which may tend to incriminate himself or herself

Article 147 Any witness may refuse to answer any question which may tend to incriminate the following persons

(1) The spouse, a relative by blood within the third degree of relationship or a relative by affinity within the second degree of relationship of the witness, or a person who was in any of such relationships to the witness,

(2) The guardian, supervisor of guardianship or curator of the accused,

(3) A person of whom the accused is guardian, supervisor of guardianship or curator

Article 148 Even though a witness may be in one of the relationships mentioned in the foregoing paragraph to one or more of co-defendants or co-offenders, he may not refuse to answer as regards matters which concern only the rest of the co-defendants or co-offenders

Article 149 A person who is, or was, a doctor, dentist, midwife, nurse, advocate, patent agent, notary public or a religious functionary may refuse testimony *in respect to facts of which he has obtained knowledge* in consequence of mandate he has received in professional lines and which relates to the secrets of other persons But this shall not apply if the principal has consented, or if the refusal of testimony is deemed as nothing but an abuse of right intended merely for the interest of the accused when he is not a principal, or if there exist any special circumstances which shall be provided by the Rules of Court,

Article 150 If a witness who has been summoned fails to appear without good reason he may, by a ruling, be sentenced to a non-criminal fine not exceeding five thousand yen, and may, moreover, be ordered to make good the expenses arising from his non-appearance

Immediate *kokoku* appeal may be filed against the ruling mentioned in the preceding paragraph

Article 151. If a person who has been summoned as a witness fails to appear without good reason, he shall be liable to a fine not exceeding five thousand yen or detention

In a case mentioned in the preceding paragraph, both fine and detention may be imposed according to the gravity and circumstances of the offense

Article 152 A witness who does not respond to the summons may be summoned again or produced under a warrant of production

Article 153 The provisions of Articles 62, 63 and 65 shall apply mutatis mutandis to summons of witness The provisions of Articles 62, 64, 66, 67, 70, 71 and 73, Par 1, shall apply mutatis mutandis to the production of witness

Article 154 Witness should always be duly sworn except as otherwise provided in this law

Article 155 A witness who cannot understand what an oath is shall be examined without being sworn

Even though a witness mentioned in the preceding paragraph has taken oath (by mistake), it shall not prevent his testimony from being valid evidence

Article 156 A witness may be caused to state inferences which he has drawn from facts which he has actually experienced

The statement mentioned in the preceding paragraph shall not lose its validity as testimony even if it partakes of the nature of expert evidence

Article 157 A procurator, the accused or his counsel may be present at the examination of a witness

Notice of the date and place of the examination of a witness shall be given in advance to the persons who are entitled by virtue of the preceding paragraph to be present at the examination However, this shall not apply if a person who is entitled to be present at the examination clearly expresses his will in advance, to the court, not to be present there

When the persons mentioned in the first paragraph are present at the examination of a witness, they may, upon notifying a presiding judge, examine a witness

Article 158 The court may summon for examination a witness to any place other than in court or examine him at the place where he is, after hearing the opinion of a public procurator and accused or his counsel, if it thinks it proper after having taken into consideration the importance of the witness, his age, vocation, health, the gravity of the offense and other special circumstances of the case

In advance to the examination of a witness provided by the preceding paragraph, the court shall give the Public Procurator, the accused and his defense counsel an opportunity to know what questions are going to be asked of the witness by the Court

Public procurator, the accused, or defense counsel may respectively add their own questions to the questions mentioned in the preceding paragraph, which he may

shall be given by a court.

Article 126. Where it is necessary for the purpose of execution of a warrant of production or of detention, a secretary of a public procurator's office or judicial police official may enter the dwelling of a person or the premises, buildings or vessels guarded by persons, for search of the accused.

In the above case a warrant of search is not necessay.

Article 127. The provisions of Articles 111, 112, 114 and 118 shall apply mutatis mutandis to search effected by a secretary of a public procurator's office, or a judicial police official in pursuance of the provisions of the preceding Article. But in cases of urgency, the provisions of Article 114, Par. 2 need not be complied with.

Chapter X. Evidence by Inspection

Article 128. If it is necessary for the purpose of discovering truth, a court may effect an inspection of evidence.

Article 129. By way of inspection, an examination of the person, dissection of a corpse, opening of a grave, destruction of things or any other necessary disposition may be effected.

Article 130. Before sunrise and after sunset, the dwellings of a person or premises, buildings or vessels guarded by persons may be entered for the purpose of inspection only with the consent of the occupant or the keepers or persons acting for them. But this shall not apply when there is apprehension that the object of inspection might not be attained after sunrise.

Inspection commenced before sunset may be continued even after sunset.

In the places mentioned in Art. 117, the restriction specified in Par. 1 need not be observed.

Article 131. In case of examining the person, sex, condition of health and other circumstances of him must be taken into consideration and every measure must be taken, especially in the choice of the method, not to damage his reputation.

In case the person of a woman is examined, a doctor or another woman of full age shall be caused to be present.

Article 132. The court may summon persons other than the accused either to the court or to other place designated for the purpose of examining the person.

Article 133. In case any one who is summoned in accordance with the preceding Article does not appear without due reasons, the court may, by means of a ruling, impose him a non-penal fine not exceeding five thousand yen and at the same time order to compensate for the expenses resulting from his non-appearance.

An immediate *kokoku* appeal may be made against the ruling of the preceding paragraph.

Article 134. In case any one is summoned in accordance with Article 132 and does not appear without due reasons, he may be punished with a fine not exceeding five thousand yen or a detention.

Both fine and detention may be imposed according to the circumstances on him who has committed the offense of the preceding paragraph.

Article 135. Any person who does not obey the summons in accordance with Article 132 may be summoned again or produced by a warrant of production.

Article 136. Articles 62, 63, and 65 shall apply mutatis mutandis to the summons under the provisions of Article 132 and the preceding article, while Articles 62, 64, 66, 67, 70, 71 and Par. 1 of Article 73 to the production under the preceding Article.

Article 137. In case where the accused or one other than the accused refuses the examination of the person without due reason, he shall be imposed a non-penal fine not exceeding five thousand yen by means of a ruling, and moreover may be ordered to compensate for the expenses resulting from such refusal.

An immedate *kokoku* appeal may be filed against the ruling mentioned in the preceding paragraph.

Article 138. Any person who refuses the examination of the person without due reason shall be punished with a fine not exceeding five thousand yen or a detention.

Any person who has committed the offense mentioned in the preceding paragraph may be punished with both fine and detention according to the circumstances.

Article 139. In case the court deems it ineffective to impose a non-penal fine or penalty upon one who refuses the examination of person, it may examine the person regardless of his refusal.

Article 140. Before punishing with non-penal fine by virtue of Article 137, or before carrying out examination of the person by virtue of the preceding Article, court shall hear the opinion (as to the necessity therefor), and also make a reasonable effort to ascertain the objections thereto of the individual who is to be examined.

Article 141. A judicial police official may, if necessary, be caused to assist in the inspection.

Article 142. The provisions of Articles 112–114, 118 and 125 shall apply mutatis mutandis to inspection.

Chapter XI. Examination of Witnesses

Article 143. Except as otherwise provided in this law, the Court may examine any person whomsoever as a witness.

Article 144. If, in respect to facts of which a person who is, or was, a public officer has obtained knowledge, either such person himself, or the public office to which he belongs or belonged, declares that they relate to official secrets, he may not be examined as a witness except

Article 157, Par. 2, shall apply mutatis mutandis to this case.

Article 171. With the exception of the provisions relating to production, the provisions of the preceding chapter shall apply mutatis mutandis to expert evidence

Article 172. In case where he whose person is to be examined by an expert witness in accordance with the first paragraph of Article 168 refuses the examination, the expert witness may request the examination of that person to a judge

The judge, upon the request mentioned in the preceding paragraph, may examine the person in accordance with the provisions of Chapter X applied with necessary modifications

Article 173 An expert witness may demand fees for his opinion and reimbursement of any disbursements, in addition to travelling expenses, daily allowances and charges for lodging

Article 174 In case person is examined in regard to past facts which he knows by virtue of special knowledge, the provisions of the preceding chapter shall govern instead of those of this chapter

Chapter XIII Interpretation and Translation

Article 175 In case a person not versed in the Japanese language is required to make a statement, an interpreter shall be caused to interpret

Article 176 In case a deaf or mute person is required to make a statement, an interpreter may be caused to interpret

Article 177 Letters, signs or marks not in the Japanese language may be caused to be translated

Article 178 The provisions of the preceding chapter shall apply mutatis mutandis to interpretation and translation

Chapter XIV Preservation of Evidence

Article 179 The suspect, accused or his counsel may, when there are reasons which make it difficult to use evidences unless they are preserved in advance, only prior to the date for first public trial, request a judge to effect such disposition as seizure, search, evidence by inspection, examination of witness or expert evidence.

The judge who has received the request prescribed in the preceding paragraph has the same power as the court or presiding judge regarding the dispositions thereof

Article 180 Procurator and counsel may, in the court, inspect and also copy documents and pieces of evidence relating to the disposition mentioned in Par 1 of the preceding Article However, in case counsel copies pieces of evidence, he shall obtain the permission of a judge

The accused or suspect may, in the court, inspect the documents and pieces of evidence mentioned in the preceding paragraph with the permission of a judge However, this shall not apply to the case where a counsel is assigned to the accused or suspect

Chapter XV Costs of Trial

Article 181. When a penalty has been pronounced, the whole or a part of the costs of the trial shall be charged to the accused

Even where no penalty has been pronounced, any costs which have arisen from a cause imputable to the accused may be charged to him

In case only a public procurator has taken an appeal, and the appeal is dismissed or withdrawn, the cost connected with the appeal may not be charged to the accused

Article 182 The costs of an action against co-offenders may be charged to such co-offenders to be borne by them jointly and severally

Article 183. If, in case a judgment of innocence or acquittal has been delivered on the case in respect to which public action has been brought upon complaint, accusation or request, the complaintant, accuser or person who made a request has acted in bad faith or with gross negligence, the costs of the trial may be charged to them.

Article 184 In the event of a recourse or a demand for reopening of procedure being withdrawn by a person other than a procurator, the costs connected with the appeal or reopening of procedure may be charged to such person

Article 185 When the costs of the trial are to be charged to the accused in a case in which the proceedings are terminated by decision, relating to such costs shall be rendered ex-officio Against such decision an appeal may be raised only where an appeal has been made against the decision in the principal action

Article 186 Where the costs of the trial are to be charged to a person other than the accused in a case in which the proceedings are terminated by decision, a separate ruling for the purpose shall be rendered ex-officio Against such a ruling, immediate ***kokoku*** appeal may be made

Article 187 Where the costs of the trial are to be imposed in a case in which the proceedings are terminated otherwise than by decision, a separate ruling for

request the court to ask of the witness.

Article 159. The court shall give the public procurator, the accused, or the defense counsel an opportunity to know what a witness has testified to, if the public procurator, the accused, or the defense counsel was not present at the examination of the witness prescribed by the *foregoing* Article.

In case the testimony of a witness mentioned in the preceding paragraph contains a new and unexpected disadvantage to the accused, he or his defense counsel may again request the court to re-examine the witness as regards matters which he or his defense counsel thinks necessary for the defense.

The court may dismiss the request mentioned in the preceding paragraph, if it thinks that the request is not a reasonable one.

Article 160. If a witness refuses to be sworn in or to testify without good reason he may, by a ruling, be sentenced to a non-criminal fine not exceeding five thousand yen and may, moreover, be ordered to make good the expenses arising from such refusal.

Immediate *kokoku* appeal may be filed against the ruling mentioned in the preceding paragraph.

Article 161. Any person who refuses to be sworn or to testify without good reason shall be liable to a fine not exceeding five thousand yen or detention.

In a case mentioned in the preceding paragraph, both fine and detention may be imposed according to the gravity and circumstances of the offense.

Article 162. A court may, by ruling, when it is necessary, order a witness to go together to the designated place. The witness may be produced, when he or she does not comply with the order of going together without proper reason.

Article 163. In case a witness is to be examined outside the court, a member of a collegiate court may be caused to make such examination, or a judge of a District Court or a Summary Court at the place where the witness actually is may be requisitioned to do so.

The requisitioned judge may in turn requisition a judge of another District Court or Summary Court who is authorized to accept such requisition.

If the requisitioned judge has himself no authority over the matter under requisition, he may transfer the requisition to a judge or another District Court or Summary Court who is authorized to accept such requisition.

In respect to the examination of witnesses, the commissioned or requisitioned judge may effect dispositions appertaining to the court or a presiding judge. But the rulings mentioned in Articles 150 and 160 may be rendered by the court also.

Despite the preceding paragraph, all the proceedings provided by the paragraph 2 and 3, Article 158 and Article 159 shall be carried out by the (principal) court.

Article 164. A witness may demand travelling expenses, daily allowances and charges for lodging. But this shall not apply if, without good reason, he has refused to be sworn or to testify.

Chapter XII. Expert Evidence

Article 165. A court may order persons of learning or experience to give expert evidence.

Article 166. An expert witness shall be caused to take an oath.

Article 167. When expert evidence is required in respect to the mental or physical condition of the accused, a court may, if necessary, have the accused confined in a hospital or other suitable place for a fixed period.

In order to confine the accused in accordance with the preceding paragraph, a writ of confinement shall be issued.

Unless otherwise provided in this law the provisions relating to detention shall apply mutatis mutandis to the confinement mentioned in the first paragraph. But this shall not apply to the provisions relating to release on bail.

Article 168. Where it is necessary for the purpose of furnishing expert evidence, an expert witness may, with the permission of a court, enter a dwelling of the person, or premises, buildings or vessels guarded by persons, examine the person, dissect a corpse, open a grave, or break and destroy things.

The court must, on giving the permission mentioned in the preceding paragraph, issue a warrant of permission in which the name of the accused, offense, place to be entered, the person to be examined, corpse to be dissected, grave to be opened, things to be destroyed, the name of expert witness and other matters provided by the Rules of Court shall be entered.

A court may provide some conditions that it deems reasonable, as for the examination of a person.

The expert witness shall show the warrant of permission to the person who is subject to the disposition mentioned in the first paragraph.

The provisions of the three preceding paragraphs shall not apply to the disposition mentioned in the first paragraph, which are effected by an expert witness in the court room.

The provisions of Articles 131, 137, 138 and 140 shall apply mutatis mutandis to the case of the examination of the person made by an expert witness in accordance with the provision of the first paragraph.

Article 169. A court may cause a member of a collegiate court to effect disposition necessary for taking expert evidence. But this shall not apply to the disposition provided for in Article 167, Par. 1.

Article 170. A procurator or counsel may be present at the inquiry by an expert witness. The provisions of

Article 157, Par. 2, shall apply mutatis mutandis to this case

Article 171. With the exception of the provisions relating to production, the provisions of the preceding chapter shall apply mutatis mutandis to expert evidence

Article 172 In case where he whose person is to be examined by an expert witness in accordance with the first paragraph of Article 168 refuses the examination, the expert witness may request the examination of that person to a judge

The judge, upon the request mentioned in the preceding paragraph, may examine the person in accordance with the provisions of Chapter X applied with necessary modifications

Article 173 An expert witness may demand fees for his opinion and reimbursement of any disbursements, in addition to travelling expenses, daily allowances and charges for lodging

Article 174 In case person is examined in regard to past facts which he knows by virtue of special knowledge, the provisions of the preceding chapter shall govern instead of those of this chapter

Chapter XIII Interpretation and Translation

Article 175 In case a person not versed in the Japanese language is required to make a statement, an interpreter shall be caused to interpret

Article 176 In case a deaf or mute person is required to make a statement, an interpreter may be caused to interpret

Article 177 Letters, signs or marks not in the Japanese language may be caused to be translated

Article 178 The provisions of the preceding chapter shall apply mutatis mutandis to interpretation and translation

Chapter XIV Preservation of Evidence

Article 179 The suspect, accused or his counsel may, when there are reasons which make it difficult to use evidences unless they are preserved in advance, only prior to the date for first public trial, request a judge to effect such disposition as seizure, search, evidence by inspection, examination of witness or expert evidence

The judge who has received the request prescribed in the preceding paragraph has the same power as the court or presiding judge regarding the dispositions thereof

Article 180 Procurator and counsel may, in the court, inspect and also copy documents and pieces of evidence relating to the disposition mentioned in Par 1 of the preceding Article However, in case counsel copies pieces of evidence, he shall obtain the permission of a judge

The accused or suspect may, in the court, inspect the documents and pieces of evidence mentioned in the preceding paragraph with the permission of a judge However, this shall not apply to the case where a counsel is assigned to the accused or suspect

Chapter XV Costs of Trial

Article 181 When a penalty has been pronounced, the whole or a part of the costs of the trial shall be charged to the accused

Even where no penalty has been pronounced, any costs which have arisen from a cause imputable to the accused may be charged to him

In case only a public procurator has taken an appeal, and the appeal is dismissed or withdrawn, the cost connected with the appeal may not be charged to the accused

Article 182 The costs of an action against co-offenders may be charged to such co-offenders to be borne by them jointly and severally

Article 183 If, in case a judgment of innocence or acquittal has been delivered on the case in respect to which public action has been brought upon complaint, accusation or request, the complaintant, accuser or person who made a request has acted in bad faith or with gross negligence, the costs of the trial may be charged to them

Article 184 In the event of a recourse or a demand for reopening of procedure being withdrawn by a person other than a procurator, the costs connected with the appeal or reopening of procedure may be charged to such person

Article 185 When the costs of the trial are to be charged to the accused in a case in which the proceedings are terminated by decision, relating to such costs shall be rendered ex-officio Against such decision an appeal may be raised only where an appeal has been made against the decision in the principal action

Article 186 Where the costs of the trial are to be charged to a person other than the accused in a case in which the proceedings are terminated by decision, a separate ruling for the purpose shall be rendered ex-officio Against such a ruling, immediate *kokoku* appeal may be made

Article 187 Where the costs of the trial are to be imposed in a case in which the proceedings are terminated otherwise than by decision, a separate ruling for

the purpose shall be rendered ex-officio by the court in which the case was last pending. Against such a ruling immediate *kokoku* appeal may be made.

Article 188. If, in a decision ordering the costs of the trial to be borne, the amount is not fixed, the same shall be fixed by a procurator who is to direct its execution.

Book II

First Instance

Chapter I. Inquiry and Investigation

Article 189. Any member of the National Rural Police or of the police of Autonomous Entities shall act as a judicial police official when and as authorized by law or regulations of the National Public Safety Commission, the Prefectural Public Safety Commission, the Local Public Safety Commission, or of the Special Ward Public Safety Commission concerned.

Judicial police officials shall, when they deem a crime has been committed, investigate the offender and evidence thereof.

Article 190. Who are to exercise the functions of judicial police officials in regard to forestry, railways or other special matters, and the scope of their functions shall be provided by other law.

Article 191. Public Procurator may, if he deems it necessary, investigate a crime himself.

Secretary of public procurator's office shall investigate a crime under the instruction of a public procurator.

Article 192. There shall be mutual cooperation and coordination on the part of public procurator and the Prefectural Public Safety Commission, Local Public Safety Commission, Special Ward Public Safety Commission and judicial police officials regarding the criminal investigation.

Article 193. Public Procurator may, in accordance with his territorial jurisdiction, give necessary general suggestion to judicial police officials regarding their investigation. Such general suggestion shall be confined to setting forth standards for the essential requirements of criminal investigation needed to institute and support the indictment.

Public Procurator may, in accordance with his territorial jurisdiction, also issue such general instructions as are necessary to coordinate investigations.

Public Procurator may, when it is necessary in case he himself investigates a crime, instruct judicial police officials and cause them to assist in the investigation.

In the case of the three preceding paragraphs, judicial police officials shall follow the suggestions and instructions of the public procurator.

Article 194. The Procurator-General, Superintending Procurator of the High Procurator's Office, or Chief Procurator of the District Procurator's Office may, when he deems it necessary in cases where judicial police officials fail to follow the advice and instructions of procurators without good reason, file charges regarding disciplinary action against them or their removal, either with the National Public Safety Commission, Prefectural Public Safety Commission, Local Public Safety Commission, or the Special Ward Public Safety Commission in case they are police officials, or with the person who has the right of disciplinary action or removal in case they are the judicial police officials other than the national rural police officials and municipal police officials.

The National Public Safety Commission, Prefectural Public Safety Commission, Local Public Safety Commission or the Special Ward Public Safety Commission or the person who has the right to give disciplinary action against or remove the judicial police officials other than the national rural police officials and municipal police officials shall, when they deem that the charges mentioned in the preceding paragraph are well-founded, give disciplinary action against or remove the persons charged, as prescribed by other law.

Article 195. Public Procurator and secretaries of Public Procurator's Office may, when it is necessary for the purpose of investigation, carry out their duties outside their territorial jurisdiction.

Article 196. Public Procurators, secretaries of Public Procurator's Office, judicial police officials and defense lawyers and any other persons whose duties are connected with criminal investigation, are required to be cautious of injuring the reputation of suspect or other persons and of interfering with the administration of the criminal investigation.

Article 197. With regard to the investigation, such examination as may be necessary for attaining its object may be made. But compulsory dispositions may not be effected except in cases when there are special provisions therefor in this law.

Public offices, or public or private organizations may be asked to make reports on necessary matters relating to the investigation.

Article 198. The Public Procurator, the secretary of the Public Procurator's Office and the judicial police officials may ask any criminal suspect to appear in their offices and question him, if it is necessary for pursuing the criminal investigation. But the suspect may, except in case he has been arrested or is under detention, refuse to appear or, after he has appeared, may withdraw at any time.

When questioning the suspect, the Public Procurator,

the secretary of the public procurator's office and the judicial police officials shall, in advance of the examination, notify the suspect that he may refuse answer to any question

What the suspect states may be taken down in a document.

The document mentioned in the preceding paragraph shall be submitted or read to the suspect for his verification and, if he make a motion for any increase or decrease or alteration, his remarks shall be entered in the document.

If the suspect affirms that the contents of the document are correct, he may be asked to sign and seal on it, however, this shall not apply if the suspect refuses to do so

Article 199 Where there exists any reasonable cause for the suspicion that a crime has been committed by a suspect, public procurator, secretary of a public procurator's office or judicial police official may arrest him upon a warrant of arrest issued in advance by a judge But in respect to the offenses punishable with a fine not exceeding five hundred yen, detention or a minor fine, such arrest may be effected only in case where the suspect has no fixed dwelling or where he fails to appear without good reason notwithstanding that he has been called in accordance with the provisions of the preceding Article

The warrant of arrest mentioned in the preceding paragraph shall be issued upon request of a public procurator or judicial police officer

When asking for a warrant mentioned in the first paragraph, public procurator or judicial official shall inform the court of all the requests, if any, that have been made previously against the same suspect for the same offense

Article 200 A warrant of arrest shall contain the name and dwelling of the suspect, the name of crime, essential facts of suspected crime, public offices or other places where to bring him, effective period and a statement that arrest cannot be made after the lapse of this period and that the warrant shall be returned to the court of issuance, the date issued, as well as such other matters as prescribed by the rules of the court, and the signature and seal of the judge issuing the warrant

The provisions of Pars 2 and 3 of Article 64 shall apply mutatis mutandis to the warrant of arrest

Article 201 When the suspect is arrested upon a warrant of arrest, the warrant shall be shown to him

The provisions of Article 73, Par 3, shall mutatis mutandis apply to the case where the suspect is arrested by a warrant of arrest

Article 202 When a secretary of procurator's office or judicial police constable has arrested the suspect upon the warrant of arrest, the former shall immediately produce him to a procurator and the latter to a judicial police officer

Article 203. When a judicial police officer has arrested the suspect upon a warrant of arrest or obtained the suspect who was arrested upon a warrant of arrest he shall immediately inform him of the essential fact of crime and the fact that he is entitled to appoint counsels, and then, giving him the opportunity for explanation, he shall immediately release the suspect when he believes there is no need to detain him, or take steps to transfer the suspect together with the documents and evidence to a procurator within forty-eight hours after the person of the suspect was subject to restraints, when he believes it is necessary to detain him

In the case of the preceding paragraph, the suspect shall be asked whether or not he has a counsel and, if he has a counsel, he need not be informed of his right to select a counsel

If the suspect is not transferred within the time limitation mentioned in the first paragraph, he shall be released immediately

Article 204 When a procurator has arrested the suspect upon a warrant of arrest or obtained the suspect who was arrested upon a warrant of arrest (excluding such suspect as was delivered in accordance with the preceding Article), he shall forthwith inform him of the essential fact of crime and the fact that he is entitled to appoint a counsel and then, giving him opportunity for explanation, shall immediately release him when he believes there is no need to detain him, or shall request a judge to detain him within forty-eight hours after his person was subjected to restraints, when he believes it necessary to detain him However, the request for detention is not necessary in case public action has been instituted within the limitation of time

If the request for detention or the institution of public action is not made within the time limitation mentioned in the preceding paragraph, the suspect shall be released immediately

The provisions of Par 2 of the preceding Article shall apply mutatis mutandis to the cases of Par. 1 of this Article

Article 205 When a procurator has received the suspect delivered in accordance with the provisions of Article 203, he shall give the suspect an opportunity for explanation, and immediately release the suspect if he believes there is no need to detain him, or shall request a judge to detain him, within twenty-four hours after he received the suspect, if he believes it is necessary to detain the suspect.

The time limitation mentioned in the preceding paragraph shall not exceed seventy-two hours after the person of the suspect was subjected to restraints

In case the public action is instituted within the time limitation provided by the two preceding paragraphs, a request for the detention need not be made by the procurator.

If the request for detention or the institution of public

the purpose shall be rendered ex-officio by the court in which the case was last pending. Against such a ruling immediate *kokoku* appeal may be made.

Article 188. If, in a decision ordering the costs of the trial to be borne, the amount is not fixed, the same shall be fixed by a procurator who is to direct its execution.

Book II

First Instance

Chapter I. Inquiry and Investigation

Article 189. Any member of the National Rural Police or of the police of Autonomous Entities shall act as a judicial police official when and as authorized by law or regulations of the National Public Safety Commission, the Prefectural Public Safety Commission, the Local Public Safety Commission, or of the Special Ward Public Safety Commission concerned.

Judicial police officials shall, when they deem a crime has been committed, investigate the offender and evidence thereof.

Article 190. Who are to exercise the functions of judicial police officials in regard to forestry, railways or other special matters, and the scope of their functions shall be provided by other law.

Article 191. Public Procurator may, if he deems it necessary, investigate a crime himself.

Secretary of public procurator's office shall investigate a crime under the instruction of a public procurator.

Article 192. There shall be mutual cooperation and coordination on the part of public procurator and the Prefectural Public Safety Commission, Local Public Safety Commission, Special Ward Public Safety Commission and judicial police officials regarding the criminal investigation.

Article 193. Public Procurator may, in accordance with his territorial jurisdiction, give necessary general suggestion to judicial police officials regarding their investigation. Such general suggestion shall be confined to setting forth standards for the essential requirements of criminal investigation needed to institute and support the indictment.

Public Procurator may, in accordance with his territorial jurisdiction, also issue such general instructions as are necessary to coordinate investigations.

Public Procurator may, when it is necessary in case he himself investigates a crime, instruct judicial police officials and cause them to assist in the investigation.

In the case of the three preceding paragraphs, judicial police officials shall follow the suggestions and instructions of the public procurator.

Article 194. The Procurator-General, Superintending Procurator of the High Procurator's Office, or Chief Procurator of the District Procurator's Office may, when he deems it necessary in cases where judicial police officials fail to follow the advice and instructions of procurators without good reason, file charges regarding disciplinary action against them or their removal, either with the National Public Safety Commission, Prefectural Public Safety Commission, Local Public Safety Commission, or the Special Ward Public Safety Commission in case they are police officials, or with the person who has the right of disciplinary action or removal in case they are the judicial police officials other than the national rural police officials and municipal police officials.

The National Public Safety Commission, Prefectural Public Safety Commission, Local Public Safety Commission or the Special Ward Public Safety Commission or the person who has the right to give disciplinary action against or remove the judicial police officials other than the national rural police officials and municipal police officials shall, when they deem that the charges mentioned in the preceding paragraph are well-founded, give disciplinary action against or remove the persons charged, as prescribed by other law.

Article 195. Public Procurator and secretaries of Public Procurator's Office may, when it is necessary for the purpose of investigation, carry out their duties outside their territorial jurisdiction.

Article 196. Public Procurators, secretaries of Public Procurator's Office, judicial police officials and defense lawyers and any other persons whose duties are connected with criminal investigation, are required to be cautious of injuring the reputation of suspect or other persons and of interfering with the administration of the criminal investigation.

Article 197. With regard to the investigation, such examination as may be necessary for attaining its object may be made. But compulsory dispositions may not be effected except in cases when there are special provisions therefor in this law.

Public offices, or public or private organizations may be asked to make reports on necessary matters relating to the investigation.

Article 198. The Public Procurator, the secretary of the Public Procurator's Office and the judicial police officials may ask any criminal suspect to appear in their offices and question him, if it is necessary for pursuing the criminal investigation. But the suspect may, except in case he has been arrested or is under detention, refuse to appear or, after he has appeared, may withdraw at any time.

When questioning the suspect, the Public Procurator,

show the reason for the necessity of examination of the person, sex and physical condition of the person to be examined and the matters provided for in the Rules of Court

Judge may provide some conditions that he deems reasonable, as for the examination of a person

Article 219 The warrant mentioned in the preceding article shall contain the name of the suspect or accused and name of offense, articles to be seized, place, person or articles to be searched, place or articles to be inspected for taking evidence, person to be examined and conditions relating to the examination of the person, effective period, a statement that the seizure, search or taking evidence by inspection shall not be commenced in any way after the lapse of such period and the warrant shall be returned to the court, the date of issuance as well as such other matters as provided for in the Rules of Court, and shall be signed and sealed by the judge issuing the warrant

The provisions of Par 2 of Article 64 shall apply mutatis mutandis to the warrant mentioned in the preceding Article

Article 220 In cases where a procurator, a secretary of public procurator's office or a judicial police official arrests the suspect in accordance with Article 199 or where he arrests a flagrant offender, he may, if necessary, take the following actions and the same shall, if necessary, apply to the case where a suspect is arrested in accordance with Article 210

(1) To enter the dwelling of a person, or premises, building or vessels guarded by persons and search for the suspect,

(2) To seize, search or inspect on the spot of the arrest The things seized shall be returned forthwith if a warrant of arrest cannot be obtained in the case mentioned in the latter part of the preceding paragraph

For the disposition mentioned in the first paragraph, a warrant need not be obtained

The provisions of Item 2, Par 1 and the preceding paragraph shall mutatis mutandis apply to the case where a secretary of procurator's office or a judicial police official executes a warrant of production or detention. The provisions of Item 1, Par 1 shall mutatis mutandis apply to the case where the warrant of production or detention issued against a suspect is executed

Article 221 A procurator, secretary of the procurator's office or judicial police official may detain articles which have been left behind by a suspect or any other person, or those which have been voluntarily produced by their owner, possessor or custodian

Article 222 The provisions of Articles 99, 100, 102 to 105, 110 to 112, 114, 115 and 118 to 124 shall apply mutatis mutandis to the seizure and search effected by a public procurator, secretary of the Public Procurator's Office or judicial police official in accordance with the provisions of Articles 218, 220 and 221. The provisions of Articles 110, 112, 114, 118, 129, 131 and 137 to 140 shall apply mutatis mutandis to the taking of evidence by inspection effected by a public procurator, secretary of the Public Procurator's Office or judicial police official in accordance with the provisions of Articles 218 or 220 However, a judicial constable may not effect the disposition provided for in Articles 122 to 124

In case of searching the suspect in accordance with the provision of Article 220, the provisions of the second paragraph of Article 114 need not be complied with, if urgency is required

The provisions of Articles 116 and 117 shall apply mutatis mutandis to the seizure and search effected by a public procurator, secretary of the Public Procurator's Office or judicial police official in accordance with the provisions of Article 218

Before sunrise and after sunset, a public procurator, secretary of Public Procurator's Office or judicial police official may not enter the dwelling of a person or premises, buildings or vessels guarded by persons, for the purpose of taking evidence by inspection in accordance with the provision of Article 218 However, this shall not apply to the places mentioned in Article 117

In case the taking evidence by inspection is commenced before sunset, the disposition may be continued even after the sunset

In case a public procurator, secretary of Public Procurator's Office or judicial police official effects seizure, search or taking evidence by inspection in accordance with the provisions of Article 218, the suspect may, if necessary be caused to be present

In case any one who refuses the examination of the person must be imposed a non-penal fine or must be ordered to compensate for the expenses resulting from the refusal, the request thereof shall be made to the court

Article 223 The public procurator, the Secretary of the Public Procurator's Office and the judicial police officials may ask any person other than the suspect to appear in their offices, question him or request him to formulate an opinion as an expert or act as interpreter or translator, if it is necessary for pursuing the criminal investigation.

Proviso of Par 1 of Article 198 and Pars. 3-5 of the same article shall apply mutatis mutandis to the case prescribed by the preceding paragraph

Article 224 In cases where a request has been made for expert evidence by virtue of Par. 1 of the preceding article, and the measures provided by Par 1, Article 167 are needed, the public procurator, the secretary of the Public Procurator's Office and the judicial police officer shall ask the judge for the measures above mentioned

The judge, if he recognizes the asking mentioned in

the preceding paragraph as reasonable, shall carry out the measures according to Article 167.

Article 225. An individual who, as an expert, fulfills the request made by virtue of Par. 1, Article 223, may carry out the measures provided by Par. 1, Article 168, after he obtains permission of the judge.

The permission mentioned in the preceding paragraph shall be asked by the public procurator, the Secretary of the Public Procurator's Office or the judicial police officers.

Where the judge recognizes that the asking mentioned in the preceding paragraph is reasonable, he shall grant it by issuing a warrant of permission.

Article 168, Pars. 2, 3, 4, and 6 shall apply mutatis mutandis to the warrant of permission.

Article 226. When an individual who apparently possesses information essential to the investigation of a crime refuses to appear or disclose such information voluntarily at the examination in accordance with Par. 1, Article 223, the public procurator may request a judge to interrogate him as a witness, before the first date fixed for the public trial of the case.

Article 227. When there is cause to believe that an individual who has voluntarily furnished information at the examination in accordance with Par. 1, Article 223, may be subjected to pressures to withdraw or change such statements in testimony at the public trial, and when it appears that such testimony will be essential for proving the guilt of the accused, the public procurator may request a judge to interrogate the person as a witness, before the first date fixed for the public trial of the case.

The procurator must state the reasons of such interrogation and show that it is absolutely necessary for proving the guilt of the accused.

Article 228. A judge to whom the request provided by the two preceding articles has been made shall have the same authority as a court or a presiding judge has in regard to the examination of a witness.

The judge may, when he recognizes it does not appear to interfere with the pursuance of the criminal investigation, cause the accused, the suspect or the counsel to be present at the examination mentioned in the preceding paragraph.

Article 229. In the event of the body of a person who had died an unnatural death or is suspected of having died an unnatural death being found, a procurator of a District or Local Public Procurator's Office which has jurisdiction over the place where it has been found shall hold an inquest (examine the body).

A procurator may cause a secretary of a Public Procurator's Office or a judicial police officer to effect the dispositions mentioned in the preceding paragraph.

Article 230. A person who has been injured in consequence of an offense may file a complaint.

Article 231. The legal representative of the injured party may file an independent complaint.

On the death of the injured party, his spouse or any of his lineal relatives or brothers and sisters may file a complaint, but not against the express intention of the injured party.

Article 232. Where the legal representative of the injured party is the suspect, the spouse of the suspect, a blood relative within the fourth degree of relationship or a relative by affinity within the third degree or relationship of the suspect, a relative of the injured party may file an independent complaint.

Article 233. In respect to the offense of defaming a deceased person, the relative or descendants of the deceased may file a complaint.

The provisions of the preceding paragraph shall govern also where, in respect to an offense of defamation, the injured party has died without filing a complaint. But no action may be taken contrary to the express intentions of the injured party.

Article 234. If there is no person to file a complaint, in respect to an offense subject to prosecution on complaint, a procurator may, on the application of any person interested, designate a person who can file a complaint.

Article 235. In respect to an offense subject to prosecution on complaint, no complaint may be made after the lapse of six months from the day on which knowledge of the offender was obtained. However, this shall not apply to the complaint to be made by the representative of a foreign power in accordance with Article 232, Par. 2 of the Penal Code or to the complaint to be made, in relation to the crime against a foreign mission sent to Japan as mentioned in Articles 230 or 231 of the Penal Code, by such mission.

Complaint in the case contemplated in the proviso of Article 229 of the Penal Code shall not be valid unless it is made within six months from the day on which the judgment declaring the marriage void, or annulling it, became final and conclusive.

Article 236. Where there are two or more persons entitled to file a complaint, failure by one of them to observe the term for complaint shall not operate against the others.

Article 237. Complaint may be withdrawn at any time before public action has been instituted.

A person who has had his complaint withdrawn shall be barred from filing another complaint.

The provisions of the two preceding paragraphs shall apply mutatis mutandis to a demand made in a case which is to be received on demand.

Article 238. A complaint filed against one or more of the co-offenders in an offense subject to prosecution on complaint, or the annulment thereof, shall take effect in respect to the other co-offender also.

The provisions of the preceding paragraph shall apply mutatis mutandis to an accusation or demand made in

respect to a case which is to be received on accusation or demand

Article 239 Any person who believes that an offense has been committed, may lodge an accusation

When a government or public official in exercise of his functions believes that an offense has been committed, he must lodge an accusation

Article 240 Complaints may be filed by proxy The same shall apply to the annulment of complaints

Article 241. Complaint or accusation shall be filed with a procurator or a judicial police officer in writing or orally

On receipt of an oral complaint or accusation, a procurator or a judicial police officer shall draw up a protocol.

Article 242 On receipt of complaint or accusation, a judicial police officer shall promptly forward the documents and the pieces of evidence pertaining thereto to the public procurator

Article 243 The provisions of the two preceding articles shall apply mutatis mutandis to the annulment of complaint or accusation

Article 244 The complaint or annulment thereof to be made by the representative of a foreign power in accordance with the provisions of Article 232, Par. 2 of the Criminal Code, may be made to the foreign minister notwithstanding the provision of Article 241 and the preceding Article of this Law

The same shall apply to the complaint or annulment thereof, regarding the crime against a foreign mission sent to Japan as mentioned in Article 230 or 231 of the Criminal Code, to be made by such mission

Article 245 The provisions of Articles 241 and 242 shall apply mutatis mutandis to self-denunciation

Article 246 Except as otherwise provided in this law, when a judicial police officer has conducted the investigation of a crime, he shall send the case, together with the documents and pieces of evidence, to public procurator But this shall not apply to the case which is specially designated by a procurator

Chapter II Public Action

Article 247 Public action shall be instituted by public procurator.

Article 248 If, after considering the character, age and situation of the offender, the gravity of the offense, the circumstances under which the offense was committed, and the conditions subsequent to the commission of the Offense, prosecution is deemed unnecessary, public action may be dispensed with

Article 249 Public action shall not take effect against persons other than the accused designated by public procurator

Article 250 Prescription shall be completed upon the lapse of.

(1) Fifteen years, for offenses punishable with death,

(2) Ten years, for offenses punishable with imprisonment with or without hard labor for an indeterminate term,

(3) Seven years, for offenses punishable with imprisonment with or without hard labor for a term of not less than ten years,

(4) Five years, for offenses punishable with imprisonment with or without hard labor for a term of less than ten years,

(5) Three years, for offenses punishable with imprisonment with or without hard labor for a term of less than five years or with a fine,

(6) One year, for offenses punishable with detention or a minor fine

Article 251. In regard to offenses punishable by the concurrent imposition of two or more principal penalties or by the imposition of two or more principal penalties, the provisions of the preceding article shall apply with reference to the heaviest penalty

Article 252 When the penalty is to be increased or commuted in accordance with the Criminal Code, the provisions of Article 250 shall apply with reference to the penalty not so increased or commuted

Article 253 Prescription shall commence to run from the time when the criminal act has ceased

In the case of an offense committed conjointly by two or more persons, the period for prescription shall, in respect to all the co-offenders, commence to run from the time when the final act has ceased

Article 254 Prescription shall cease to run on the institution of the public action and begin to run when a decision notifying jurisdictional incompetency or dismissing the indictment becomes finally binding However, this shall not apply in cases where the institution of the public action has lost its validity in accordance with Par 2 of Article 271

The cessation of prescription caused by an indictment laid against one of the co-offenders shall take effect against other co-offenders also And the prescription which has been stayed shall begin to run when the decision of the case becomes finally binding

Article 255 Prescription shall not run during the period for which the accused is outside of Japan or he conceals himself so that it is impossible to serve him with a copy of the indictment.

The matters needed for proving the absence of the criminal from Japan or his concealment which made the service of indictment impossible shall be provided by Rules of Court.

Article 256 Public action must be instituted by filing a written indictment (with Court)

The written indictment shall contain:

(1) Name of the accused and other matters necessary to specify the accused,

(2) Facts constituting the offense charged,

(3) Charge.

Facts constituting the offense charged shall be described clearly in the form of specified counts, in which time, place and method of offense must be stated as far as known.

Charges shall be stated by enumerating the names of laws or ordinances which the accused has violated and shall be applicable to the case. However, errors in the citation or enumeration of the name of laws or ordinances, if they do not create any substantial prejudice to the defense of the accused, shall not affect the validity of the indictment.

Several counts and charges may be put forward in a conjunctive or alternative way.

No evidential document must be annexed or referred to in the written indictment which may cause the court to form a conclusion in advance of trial.

Article 257. Public action may be cancelled before the judgment in the first instance has been rendered.

Article 258. If a public procurator considers that the case does not come within the jurisdiction of the court corresponding to the public procurator's office to which he belongs, he shall send such case, together with the documents and pieces of evidence, to a procurator of the public procurator's office corresponding to the competent court.

Article 259. When public procurator has made a decision not to institute an action, he shall promptly inform the suspect of such fact, upon his request.

Article 260. If, in a matter respecting which complaint or accusation or demand has been lodged, public action has been instituted, or a decision has been taken not to institute the same, notice of such fact shall, by a procurator, be promptly given to the complainant or accuser of the person who demanded. The same shall apply where an action has been cancelled, or the case has been sent to a procurator of another public procurator's office.

Article 261. If, in a case respecting which complaint or accusation or demand has been lodged, a decision has been taken not to institute an action, a procurator shall, upon request of the complainant or accuser or the person who demanded, promptly inform them of the reasons therefor.

Article 262. If, in a case respecting which complaint or accusation is made concerning the offenses mentioned in Articles 193 to 196 of the Criminal Code and the complaint and the accuser is dissatisfied with the decision made by a public procurator not to institute an action, he may apply to a District Court having jurisdiction over the place of the public procurator's office to which that procurator belongs for committing the case to a court for trial.

The application mentioned in the preceding paragraph shall be made by submitting a written application to a procurator who made the decision not to institute an action within seven days from the day on which the notice mentioned in Article 260 was received.

Article 263. The application mentioned in the first paragraph of the preceding article may be withdrawn until the ruling of Article 266 is rendered.

The person who made the withdrawal as provided in the preceding paragraph may not make anew the request mentioned in the first paragraph of the preceding article in respect to the same case.

Article 264. A procurator shall institute public action if he considers the application mentioned in the first paragraph of Article 262 well-founded.

Article 265. Trial and judgment on the application mentioned in the first paragraph of Article 262 shall be conducted and delivered by a collegiate court.

The court may, if it deems necessary, cause a member of a collegiate court to investigate the fact or commission a judge of a District or Summary Court to do so. In this case a commissioned judge or a requisitioned judge has the same authority as the court or a presiding judge.

Article 266. On receipt of the application mentioned in the first paragraph of Article 262, a court shall render a ruling according to the following classification:

(1) In the event of the application having been made in a form contrary to that of law or ordinance or after the right of application has extinguished or of its being without grounds, it shall be dismissed;

(2) If the application is well-founded the case shall be committed to a competent District Court for trial.

Article 267. When the ruling mentioned in No. 2 of the preceding article has been rendered, public action is deemed to have been instituted on the case.

Article 268. When a case has been committed to it for trial in accordance with the provisions of Article 266, No. 2, the court shall designate from among advocates one who shall sustain the action on such case.

The advocate designated as mentioned in the preceding paragraph shall exercise the functions of a procurator in order to sustain the action on the case until the judgment has become finally binding. But the advocate mentioned in the preceding paragraph shall commission a procurator to direct secretaries of Public Procurator's Office or judicial police officers or constables for criminal investigation.

The advocate who exercises the functions of a procurator in accordance with the preceding paragraph is deemed to be an official engaged in the public service in accordance with laws and ordinances.

A court may cancel the designation of the advocate designated in accordance with the first paragraph at any time if it finds that he is not qualified to exercise his functions or there are any other special circumstances.

The advocate designated in accordance with the first paragraph shall be given allowances as fixed by cabinet order.

Article 269 When a court dismisses the request mentioned in the first paragraph of Article 262 or when the request is withdrawn, the court may, by a ruling, cause the person who made the request to redress the whole or a part of the costs necessitated by the procedure relating to the request, an immediate *kokoku* appeal may be filed to the ruling

Article 270 After the public action has been instituted, a procurator may inspect and copy the documents and pieces of evidence relating to the action

Chapter III Public Trial

Section I Preparation for Public Trial and Process of Public Trial

Article 271 On public action being instituted, court shall serve the accused with a copy of the indictment without delay.

In case where the copy of indictment fail to be served (on the accused) within two months after the public action having been instituted, the institution of public action shall lose its validity retroactively

Article 272 On public action being instituted, court shall notify the accused without delay that he may have his defense counsel (at his own expense,) and that he may ask the court to appoint a defense counsel for him, if he cannot have it for himself because of poverty or other causes However, this shall not apply where the accused has already his defense counsel

Article 273 The presiding judge shall fix the date for public trial

The accused shall be summoned for the public trial

Public procurator, defense counsel and assistant shall be notified of the date for public trial

Article 274 Where the accused (by chance) found [illegible] writ of summons

Article 275 There shall be a reasonable interval prescribed by the Rules of Court between the first date fixed for public trial and the service of the writ of summons

Article 276 The presiding judge may change the fixed date for public trial, either ex-officio or upon request of public procurator, the accused or defense counsel

Before changing the fixed date for public trial, court shall hear the opinion of public procurator and the accused or defense counsel as provided by the Rules of Court However, this shall not apply, if the matter demands haste

In cases prescribed by the proviso of the preceding Par., court shall afford public procurator and the accused or defense counsel an opportunity to make objections at the commencement of the date fixed for public trial

Article 277 Where court has changed the fixed date for public trial abusing its authority, protest may be made by every individual concerned in the case to obtain remedy in the judicial administrative control proceedings in accordance with the Rules or instructions of the Supreme Court

Article 278 Where an individual who has been summoned for public trial cannot appear (on the fixed date) because of sickness or other causes, he shall submit (to court), in accordance with the Rules of Court, a medical certificate or other evidential materials (for proving the causes)

Article 279 Upon request of public procurator, the accused or defense counsel or ex-officio, court may ask other offices or organizations, whether they be public or private, for reports and information necessary for public trial

Article 280 After the institution of public action [illegible] been instituted against a suspect who has been arrested by virtue of the provisions of Article 199 or 210 or as a [illegible]

Judge mentioned in the two preceding paragraphs has the same authority as court or presiding judge

Article 281 Court may examine witnesses on other dates than fixed for public trial, when it deems it necessary after taking into consideration any such condition that is prescribed by Article 158 and hearing the opinion of public procurator and the accused or defense counsel

Article 282 Hearing on the date for public trial shall be conducted in court room

Court shall be opened in the assembled presence of judge, court clerk and public procurator

Article 283 Where the accused is a juridical person, it may always appear by proxy

Article 284 Where the offense charged is punishable by a fine not exceeding five thousand yen or a minor fine, the accused is not required to appear However, he may appear by proxy

Article 285 Where the offense charged is punishable by detention, the accused must be present on date for public trial when the judgment is rendered. He may be permitted to be absent at any other stage of the public trial, when the court finds that attendance is not essential for protection of his rights

Where the offense charged is punishable by penal servitude or imprisonment not exceeding three years of maximum penalty or by a fine of more than five thousand

yen, the accused must be present on date for public trial at the proceedings described in Article 291 and where the judgment is rendered. As to the other stage of public trial, the last part of the preceding paragraph shall apply.

Article 286. Except as otherwise provided by the three preceding articles, public trial may not be held if the accused is not present.

Article 287. The accused, while in public trial court, shall be subject to no physical restraint whatsoever, unless he employs violence or attempts to escape. And when the accused is subject to no physical restraint, guards may be placed over him.

Article 288. The accused may not withdraw from the court except with the permission of the presiding judge.

The presiding judge may take suitable measures to make the accused stay in court and to maintain order.

Article 289. Where the offense charged is punishable by death, penal servitude or imprisonment for an indeterminate period or for more than three years of maximum penalty, public trial shall not be conducted if the defense counsel does not appear.

Where the defense counsel does not appear, or no defense counsel has yet been appointed for the cases of which the public trial cannot be conducted without the attendance of defense counsel, the presiding judge must, ex-officio, assign defense counsel for the accused.

Article 290. If defense counsel does not appear in cases falling under any one of the items of Article 37, a court may, ex-officio, assign a counsel.

Article 291. The indictment shall be read aloud by public procurator on opening the public trial.

After the indictment has been read, the presiding judge must notify the accused that he may be silent all the time and refuse to answer any question, and of other necessary matters which shall be provided by the Rules of Court for protection of the rights of the accused, and must afford the accused and defense counsel an opportunity to make any statement concerning the case.

Article 292. Examination of evidence shall be commenced after the completion of the procedure provided by the preceding Article.

Article 293. Upon completion of the examination of evidence, public procurator shall sum up his opinion as to the question of fact and the application of law.

The accused and defense counsel may also sum up their opinion.

Article 294. Hearing on the date for public trial shall be presided by the presiding judge.

Article 295. Presiding judge may reject any questions asked (of the witness and others except the accused) or any statements given by persons concerned in the trial, if they are unnecessarily repeated, irrelevant to the issue or the case, or inadmissible in any way, so far as it does not injure the essential rights of those persons.

The same shall apply where the accused is questioned by person concerned in the trial.

Article 296. Public procurator shall, before entering into the examination of evidence, state what he expects to prove; however, he may not make any such statement not based upon evidence available or intended to offer which may tend to cause the court to hold prejudice or bias or to frame a conclusion in advance of the trial.

Article 297. As regards the process of examination of evidences, court may determine its scope, order and method, after hearing the opinion and suggestion of public procurator and the accused or defense counsel.

Court may cause any one of its collegiate members to carry out the procedure mentioned in the preceding paragraph.

Court may, at any time when it deems it necessary, change the scope, order and method of examination of evidence determined before in accordance with Par. 1 after hearing the opinion and suggestion of public procurator and the accused or defense counsel.

Article 298. Public procurator, the accused and defense counsel may request the examination of evidences.

Court may, if it deems it necessary, examine evidences ex-officio.

Article 299. Before requesting examination of witness, expert, interpreter or translator, public procurator, the accused or defense counsel must give his opponent party, in advance, to know the name and address of the person; where documentary or real evidence is going to be produced for examination, the opponent party must be afforded an opportunity to inspect it. However, this shall not apply where the opponent party raises no objection.

Before rendering a ruling of examination of evidence, court must hear opinion of public procurator and the accused or defense counsel.

Article 300. Public procurator must request the examination of the documents which may be used as evidence in accordance with the provision of the last part of Item 2, Par. 1, Article 321.

Article 301. Where the statement of the accused which may be used as evidence in accordance with the provisions of Article 322 and Par. 1, Article 324, is his confession of the offense charged, examination thereof may not be requested until after the other evidences for proving facts constituting the offense are examined.

Article 302. Where the documents which may be used as evidence in accordance with the provisions of Articles 321 to 323 or 326 are the part of investigation records, public procurator shall request an examination thereof, separating it from other files as far as possible.

Article 303. Court must examine all the documents which contain the results of the examination of witnesses or other persons, of inspection and of seizure and search, and all the objects seized for preparation of public trial as documentary or real evidences respectively.

Article 304. Witnesses, experts, interpreters or

translators shall be examined by the presiding judge or by associate judge first.

Public procurator, the accused or defense counsel may, after notifying the presiding judge, examine the witnesses, experts, interpreters or translators, after the examination mentioned in the preceding paragraph has been completed In this case, where the examination of witnesses, experts, interpreters or translators is commenced upon the request made by public procurator, the accused or defense counsel, the person who has made such request shall examine them prior to the opponent

Court may, if it deems it proper, change the order of examination mentioned in the preceding two paragraphs, after hearing the opinion of public procurator, the accused or defense counsel

Article 305 In the case of examination of documentary evidences upon request made by public procurator, the accused or his defense counsel, the presiding judge shall cause the person who has made the request to read it aloud However, the presiding judge may read it aloud himself, or may cause an associate judge or court clerk to do so

In case a court examines documentary evidences (collected) ex-officio, the presiding judge shall read the documents aloud himself, or cause an associate judge or court clerk to read them aloud

Article 306 In the case of examination of real evidence upon request made by public procurator, the accused or defense counsel, the presiding judge shall cause the person who has made such request to show them.

In case a court examines real evidences (collected) ex-officio, the presiding judge himself shall show them to persons concerned in the trial or shall cause an associate judge or court clerk to do so

Article 307 Documents, as real evidences, of which the contents serve as a proof, shall be examined in accordance with both Article 305 and the preceding Article

Article 308 Court must afford a proper opportunity necessary for challenging the probative value of evidence to public procurator and the accused or defense counsel

Article 309 Public Procurator, the accused or defense counsel may raise objections regarding the examination of evidences

Public Procurator, the accused or his defense counsel may raise objections to any dispositions effected by a presiding judge, besides the dispositions prescribed by the preceding paragraph

Court shall render a ruling on the objections raised under the two preceding paragraphs

Article 310 Documentary or real evidences of which the examination has been completed shall be presented to a court without delay, however, (as regards a document) a true copy may be presented in lieu of the original thereof

Article 311 The accused may be silent all the time during the course of the trial or may refuse to answer any questions put to him

Where the accused makes statement voluntarily, the presiding judge may at any time question him about necessary matters

Associate judges, public procurator, defense counsel, co-defendant or defense counsel of co-defendant may also question the accused in cases mentioned in the preceding paragraph

Article 312 Court shall permit public procurator to add, withdraw or change the court, or descriptions of laws or ordinances violated (charges) in the indictment, so far as it does not modify the identity (substance) of the offense charged

Court may order public procurator to add or change counts or the names of laws or ordinances where it deems it proper according to the circumstances of the trial

Where count or the descriptions of laws or ordinances violated (charges) have been added, withdrawn or [illegible]

[illegible] withdrawal or change of the count or names of laws or ordinances in the indictment may cause a substantial prejudice to the defense of the accused, court must adjourn for a period necessary for having the accused prepare the sufficient defense

Article 313 When it deems proper, court may, either on request of public procurator, the accused or defense counsel or ex-officio, by means of a ruling, separate or join the oral proceedings or reopen the oral proceedings which were concluded

Court must, when it is necessary for the protection of the rights of the accused, by means of a ruling, separate the oral proceedings in accordance with the Rules of Court

Article 314 If the accused is in a state of insanity, the procedure of the trial shall, after hearing the opinion of public procurator and defense counsel, be stayed by means of a ruling during continuance of such state However, in case there are obvious reasons for which a decision of innocence, acquittal, remission of penalty or dismissal of public action shall be rendered, such judgment may be rendered at once instead of waiting the appearance of the accused

If the accused is unable to appear on account of sickness, the procedure of public trial shall, after hearing the opinion both of public procurator and defense counsel, be stayed by a ruling until it becomes possible for him to appear. However, this shall not apply where a proxy has been caused to appear in accordance with Articles 284 and 285.

Where a witness, essential for proving the existence

or non-existence of the facts constituting a crime, cannot appear on the date for public trial because of illness, court must adjourn until it becomes possible for him to appear, except in case court deems it proper to examine him on other dates than for public trial.

Before staying trial in accordance with the three preceding paragraphs, court shall hear the opinion of one or more medical experts.

Article 315. Where a judge or judges was or were changed subsequent to the commencement of hearing, the procedure of public trial shall be renewed. However, this shall not apply when a judge or judges should only pronounce judgment already decided by other judge or judges.

Article 316. The procedure of action taken by a single judge of a District Court shall not lose its effect, even if the case in question turns out to be one which should have been tried by a collegiate court.

Section II. Evidence

Article 317. Facts shall be found on the basis of the evidence.

Article 318. The probative value of evidence shall be left to the free discretion of judges.

Article 319. Confession made under compulsion, torture or threat, or after prolonged arrest or detention, or which is suspected not to have been made voluntarily shall not be admitted in evidence.

The accused shall not be convicted in case where his own confession, whether made in open court or not, is the only proof against him.

Confession mentioned in the two preceding paragraphs includes any admission of the accused which acknowledges himself to be guilty of the offense charged.

Article 320. Except as otherwise provided by Articles 321 to 328, no documents or oral description of a statement made by a person who is not present in public trial shall be used as evidence as a substitute for a statement of him given orally in public trial court.

Article 321. A written statement made by a person other than the accused, or a document which contains a statement given by a person above mentioned and which is signed and sealed by him may be used as an evidence only in cases falling under any one of the items as follows:

(1) As regards the document which contains a statement of a person given before a judge, where he does not appear or testify on the date either for preparation for the public trial or for the public trial (before trial court or requisitioned or commissioned judge) because of death, unsoundness of mental condition, missing, staying outside of Japan or being so physically incapacitated that he cannot testify or where he appearing on the date above mentioned has given a testimony different in any way from his previous statement;

(2) As regards the document which contains a statement of a person given before a public procurator, where he does not appear or testify as above mentioned because of death, unsoundness of mental condition, missing, staying outside of Japan or being so physically incapacitated that he cannot testify, or where he appearing on the date above mentioned has given a testimony contrary to, or materially different from, his previous statements; however, in the last case this shall apply only where there exist special circumstances, because of which court may find that the previous statements are more credible than the testimony given in the course of interrogation on the date above mentioned;

(3) As regards written statements other than provided in the two preceding items, where the person who has given the statements does not appear or testify as above mentioned because of death, unsoundness of mental condition, missing, staying outside of Japan or being so physically incapacitated that he cannot testify, and his previous statements are essential for proof of the offense indicted; however, this shall apply only in case where there exist special circumstances under which the statements had been made, and which lend a special credibility.

A written record which contains the statements given by a person other than the accused before the trial court or a requisitioned or commissioned judge, or a written record of inspection prepared by a judge or a court, and which describes the result of the inspection may, despite the preceding paragraph, be used as evidence.

A written record of inspection prepared by a public procurator, secretary of Public Procurator's Office or a judicial police official, and which describes the results of his inspection may, despite the first paragraph of this Article, be used as evidence, if he who has prepared it appears on the date for public trial and verifies the document on being examined (by both parties and court).

The preceding paragraph shall apply mutatis mutandis to the document prepared by an expert and which describes his conclusions and process under which he has formulated his opinion.

Article 322. A written statement made or signed and sealed by the accused may be used as evidence against him, if the statement contains an admission by the accused which is adverse to his interests, or if the statement was made under unusual circumstances which lend a special credibility. However, where the written statement contains an admission of the accused which is adverse to his interests and there exist any suspicion that the admission has not been made voluntarily, it may not be used as evidence against the accused as well as in cases prescribed by Article 319, even though the admission is not a confession of a crime.

A written record which contains the statement given by the accused before the trial court or a requisitioned or commissioned judge may be used as evidence, insofar as the statement appears to have been made voluntarily.

Article 323. Documents other than provided by the two foregoing articles, and which may be used as evidence are as follows:

going items, prepared and kept under special circumstances which lend a special credibility to the assertions of fact contained therein

Article 324 As to the oral statements given by a person other than the accused before the trial court or a requisitioned or commissioned judge and which describes the pre-trial statements of the accused, the provision of Article 322 shall apply mutatis mutandis

As to the oral statements given by a person other than the accused as above mentioned and which describes the pre-trial statements of a person other than the accused, *the provision of Item 3, Par 1, Article 321 shall apply* mutatis mutandis

Article 325 Before admitting as evidence written statements or oral description of a statement either before the trial court or a requisitioned or commissioned judge according to the four preceding articles, court shall investigate whether or not the statement has been made voluntarily.

Article 326 Despite Articles 321 to 325, any evidence may be used as such if public procurator and the accused give consent thereto and if the court finds it proper after considering the circumstances under which evidence was obtained

In cases where examination of evidences may be carried out in spite of non-attendence of the accused and the accused does not appear, he shall be deemed to have given a consent *mentioned in the foregoing paragraph* However, this shall not apply where his defense counsel or agent appears for him

Article 327 When agreed to by public procurator and the accused or defense counsel, written stipulations as to the contents of any document, or the substance of any testimony which would be rendered if the witness were to appear in court may be used as evidence without examining the original document or *interrogating the* witness in public trial However, the probative value of the stipulation may be challenged at any time

Article 328 Any written statement or oral descriptions of statements, which may not be used as evidence by virtue of the Articles 321 to 324, may be used as a method for the purpose of determining the credibility of the accused, witness or other persons (who have given the statements outside of *the court)*

Section III Decision in Public Trial

Article 329 In the event of the case pending against the accused not coming within the jurisdiction of a court, a pronouncement of incompetency shall be made by a judgment But as regards the case which has committed to the trial of a District Court under Article 266, Par 2, that court may not make a pronouncement of incompetency

Article 330 If a case for which a public action has been instituted in High Court as one coming within its special jurisdiction is found to come within the jurisdiction of a lower court, it may be transferred to the competent court by a ruling, notwithstanding the provisions of *the preceding* article

Article 331 A court may not make a pronouncement of incompetency in regard to territorial jurisdiction, except upon the application of the accused

No plea of incompetency may be proferred after the procedure of the examination of evidence has been commenced in regard to the case pending against the accused

Article 332 A Summary Court shall, by ruling, transfer a case to a District Court which has jurisdiction, if it deems it proper that the case is to be tried by a District Court

Article 333 Where there is proof of guilt in regard to the case pending against the accused, a penalty shall be pronounced by a judgment, except in the case of Article 334

Suspension of execution of a penalty shall be pronounced by a judgment simultaneously with such penalty

Article 334 Where the penalty is remitted in regard to the case pending against the accused, a pronouncement to such effect shall be made by a judgment

Article 335 In pronouncing the accused guilty, the facts constituting the offense, an inventory of the evidence and the application of laws and ordinances shall be indicated

When there has been allegation of any facts which constitute legal grounds for non-consummation of a crime or for aggravating or commutation of penalty, an estimate of such facts shall be given.

Article 336 If the case against the accused does not constitute an offense, or if proof of the crime is lacking, the accused shall be pronounced "not guilty" by a judgment

Article 337. A pronouncement of aquittal shall be made by a judgment in the following cases

(1) Where a finally binding judgment has already been rendered,

(2) Where the penalty has been abolished by a law or ordinance enforced subsequent to the commission of the offense,

(3) Where a general amnesty has been proclaimed,

(4) Where prescription has been completed

Article 338 The public action shall be dismissed by a judgment in the following cases.

(1) Where a court does not have jurisdiction over the accused;

(2) Where a public action was instituted in violation of Article 340;

(3) Where, on a case respecting which a public action was brought, another action has been brought to the same court;

(4) Where the procedure for instituting a public action is void by reason of its having been contrary to the provisions relating thereto.

Article 339. Public action shall be dismissed by a ruling in the following cases:

(1) Where all the counts in the indictment, even if true, do not constitute any specified offense;

(2) Where it has been withdrawn;

(3) Where the accused has died or, being a juridical person, has ceased to exist;

(4) Where adjudication is barred by the provisions of Articles 10 or 11.

Against the ruling mentioned in the preceding paragraph, immediate *kokoku* appeal may be instituted.

Article 340. In case where a ruling dismissing public action, as a result of its rescission, becomes finally binding, new public action may be instituted for the same offense only when it is based upon a newly discovered material evidence.

Article 341. In case the accused has refused to make a statement, retired from court without permission, or been ordered by the presiding judge to retire from court for maintenance of order, a judgment may be rendered without hearing his statement.

Article 342. The judgment shall be made known by pronouncement in public trial court.

Article 343. Bail or suspension of execution of detention shall lose its effect at the time of rendition of sentence to imprisonment or graver penalty. If such a case takes place, and where a new ruling of bail or of suspension of execution of detention is not rendered, Article 98 shall apply mutatis mutandis.

Article 344. The provisions of Article 89 shall not apply after the time of rendition of sentence to imprisonment or graver penalty.

Article 345. A warrant of detention shall lose its effect at the time of rendition of a judgment of "not guilty," acquittal, remission of penalty, suspension of execution of penalty, dismissal of public action, incompetency, or of a fine or minor fine.

Article 346. When no pronouncement of confiscation is made in regard to articles seized, a pronouncement releasing such articles from seizure shall be deemed to have been made.

Article 347. If, in regard to criminally obtained goods under seizure, there is a clear reason for restoring to the injured party, a pronouncement directing the restoration of such goods to the injured party shall be made.

A case in which the injured party demands delivery of any articles acquired as consideration for criminally obtained goods shall also be governed by the preceding paragraph.

When one special pronouncement is made to the contrary in regard to goods provisionally restored, pronouncement of restoration shall be deemed to have been made.

Notwithstanding the provisions of the three preceding paragraphs, any persons interested may assert their rights in accordance with civil procedure.

Article 348. When a court pronounced a fine, minor fine or additional collection to the accused, the court may, upon the request of public procurator or ex-officio order the provisional payment of such amount of money as being pronounced if he considers there is apprehension that it is impossible or extremely difficult to execute the judgment, in case the execution is prolonged until the judgment becomes finally binding.

If the decision for a provisional payment mentioned in the preceding paragraph is to be given, it shall be pronounced by a judgment simultaneously with the pronouncement of penalty.

The decision ordering provisional payment may be executed immediately.

Article 349. In case a pronouncement suspending execution of a penalty is to be rescinded, public procurator shall demand such recission to the District Court, or the Summary Court which has the jurisdiction over the area where the convicted person is or stayed last.

When the demand mentioned in the preceding paragraph has been made, a court shall render a ruling after hearing the opinion of the accused or his proxy. Against such ruling immediate *kokoku* may be filed.

Article 350. In case a penalty is to be determined in accordance with Article 52 of the Criminal Code, public procurator shall demand the same to the court which has rendered final judgment upon the case. In this case, the provisions of the second paragraph of the preceding Article shall apply mutatis mutandis.

Book III

Appeal

Chapter I. General Provisions

Article 351. Appeal (Joso) may be instituted by public procurator or the accused.

When a case committed to the trial of a court in accordance with Article 266, Par. 2 has been jointly tried

with another case and one decision has been rendered, the advocate who exercises the functions of public procurator in accordance with Article 268, Par 2 and public procurator engaged in the case may respectively institute an appeal independently against such decision

Article 352. *Kokoku* appeal may be instituted by a person, other than a public procurator or the accused, *against whom a ruling has been rendered*

Article 353 The legal representative or curator of the accused may institute an appeal on behalf of the accused

Article 354 When the reason for detention was indicated, the person who requested the indication may also make an appeal against the detention on behalf of the accused. The same shall apply to the ruling which rejects the appeal.

Article 355 Proxy or counsel in the original instance may institute an appeal on behalf of the accused

Article 356. Appeal mentioned in the three preceding articles may not be taken against the clearly expressed intention of the accused

Article 357. Appeal may be instituted against a part of the decision An appeal which is not specially limited to a part shall be deemed to have been taken against the entire decision

Article 358 The period for making an appeal shall begin to run from the day on which the decision was made known.

Article 359. A public procurator, the accused or the person mentioned in Art 352 may withdraw an appeal

Article 360. The persons mentioned in Article 353 or 354 may withdraw an appeal with the consent of the accused

[illegible] sent to the withdrawal of the appeal

Article 362 When a person entitled to make an ap- [illegible] tuting an appeal, he may apply to the original court for recovery of his right of appeal

Article 363 Demand for recovery of the right of an appeal shall be made in writing within a period equivalent to the period for an appeal beginning on the day on which the cause which prevented an appeal ceased to exist.

A person who demands recovery of the right of appeal shall make an application for an appeal simultaneously with such demand.

Article 364. Immediate *Kokoku* appeal may be filed against the ruling made regarding the demand for recovery of the right of appeal

Article 365 When a demand has been made for the recovery of the right of appeal, the original court may render a ruling staying the execution of the decision until the ruling provided for in the preceding Article has been rendered In this case, a warrant of detention may be issued against the accused

Article 366 If the application for appeal was submitted by an accused who is in prison to the chief prison officer or his deputy within the period for an appeal, such appeal shall be deemed to have been taken within the prescribed period

If the accused is unable to prepare a written application himself, the chief prison officer or his deputy shall write it instead, or cause an official under him to do so.

Article 367 The provisions of the preceding Article shall apply mutatis mutandis in cases where an accused who is in prison withdraws an appeal or demands recovery of the right of appeal

Article 368. In case an appeal which has been instituted only by public procurator is dismissed or withdrawn, the State shall compensate the then accused of the case for the expenses incurred by him because of the appeal in each instance after the appeal has been lodged

Article 369. The amount of the compensation shall cover travelling expenses, daily expenses and lodging charge which have been incurred by the then accused and the then defense counsel for the purpose of appearing on the date for the preparation for public trial or for public trial, and the remuneration which the then accused [illegible] *the then accused and the then defense counsel* respectively.

Article 370 Compensations shall be allowed upon request of the then accused or his agent, by means of a ruling, by the Supreme Court or the High Court which has exercised the appellate jurisdiction over the case in question

The request mentioned in the preceding paragraph shall be made within two months after the judgment dismissing the appeal has been notified or the appeal has been withdrawn.

To the ruling rendered by High Court by virtue of Par 1, objections may be made according to Article 428, Par. 2. The provisions concerning immediate *kokoku* appeal shall also mutatis mutandis apply to the objections above mentioned.

Article 371. Except the provisions provided in this Code, the Rules of Court shall cover the request, payment of compensation and other proceedings regarding the compensation.

Chapter II. *Koso* Appeal

Article 372. *Koso* appeal may be lodged against judgments rendered in first instance by a District Court or by a Summary Court.

Article 373. Period allowed for *koso* appeal shall be fourteen days.

Article 374. *Koso* appeal shall be lodged by presenting a statement of the reasons for *koso* appeal to the court of the first instance.

Article 375. Where it is obvious that a *koso* appeal has been lodged after the termination of the right of *koso* appeal, the court of the first instance shall dismiss it by means of ruling.

An immediate *kokoku* appeal may be instituted against such ruling.

Article 376. Appellant must present the statement of reasons for *koso* appeal within the period which shall be prescribed by Rules of Court.

Presumptive proof or certification of public procurator or defense counsel must be appended to the statement of reasons for *koso* appeal as required in this law or Rules of Court.

Article 377. Where *koso* appeal is lodged on the following ground, the statement of reasons for the appeal shall be appended with a certification of public procurator or defense counsel to the effect that sufficient proof of the existence of such grounds can be offered (if an opportunity is afforded):

(1) When the original court was not constituted as prescribed by law.

(2) When a judge who for some legal reason ought not to have participated in the judgment, did in fact participate in the judgment.

(3) When the provisions relating to open (public) trial were contravened.

Article 378. Where *koso* appeal is lodged upon the following grounds, the statement of reasons for the appeal shall contain an adequate reference to matters, to make credible the ground alleged, appearing in the record which describes the procedure done and the contents of evidence taken by the original court:

(1) When the court illegally considers itself competent or incompetent.

(2) When the public action was illegally accepted or dismissed.

(3) When a judgment was not given in regard to one count in the indictment, or when it was given in regard to a count not made in indictment.

(4) When the judgment was not accompanied by reasons, or the reasons contradictory.

Article 379. Where *koso* appeal is lodged upon the ground, other than prescribed by the two preceding articles, that a certain law of procedure was violated and that the violation is material to the judgment, the statement of reasons for the appeal shall contain an adequate reference to matters, to make credible the ground alleged, appearing in the record which describes the procedure done and contents of evidence taken by the original court.

Article 380. Where *koso* appeal is lodged upon the ground of a mistake in the construction, interpretation or application of law by the original court, and that the mistake is material to the judgment, the statement of reasons for the appeal shall specifically point out the mistake and its materiality to the judgment.

Article 381. Where *koso* appeal is lodged upon the ground that the penalty has been determined improperly or unjustly, the statement of reasons for the appeal shall contain an adequate reference to matters, to make credible the ground alleged, appearing in the record which describes the procedure done and the contents of evidence taken by the original court.

Article 382. Where *koso* appeal is lodged upon the ground of errors in finding fact and its obvious materiality to the judgment, the statement of reasons for the appeal shall contain an adequate reference to matters, to make credible the ground alleged, appearing in the record which describes the procedure done and the contents of evidence taken by the original court.

Article 383. Where *koso* appeal is lodged on the following ground, the statement of reasons for the appeal shall be appended with the presumptive proof for the ground:

(1) When there exists a fact which would support a reopening of procedure (saishin).

(2) When, subsequent to the rendition of the judgment in the lower court, the penalty has been abolished or changed or general amnesty has been proclaimed.

Article 384. *Koso* appeal may be lodged by asserting that any of the grounds for appeal prescribed by the seven preceding articles exist.

Article 385. Where it is obvious that the application for koso appeal has been made not following the form established by law or subsequent to the termination of the right of appeal, the court of *koso* appeal shall dismiss it by means of a ruling.

Against the ruling mentioned in the preceding Par., an objection may be instituted in accordance with Article 428, Par. 2; in this case, provisions of immediate *kokoku* appeal shall apply mutatis mutandis.

Article 386. Court of *koso* appeal shall dismiss the *koso* appeal by means of a ruling:

(1) When the statement of reasons for *koso* appeal is not presented within the period provided by Article 376, par. 1.

(2) When the statement of reasons for *koso* appeal does not follow the form established by this law and the Rules of Court, or when it is not appended with the necessary presumptive proof or certification provided by this law or the Rules of Court.

(3) When it is obvious that the contents of the [illegible]

graph, par. 2 of the preceding article shall apply *mutatis mutandis*.

Article 387 For a trial on *koso* appeal, no person other than an advocate may be appointed counsel [illegible]

not exceeding five thousand yen or minor fine, the court of *koso* appeal may order the accused to appear on the date for public trial, if it deems it essential for the protection of the rights of the accused

Article 391. If counsel does not appear, or no counsel has been appointed, judgment may be given after hearing the statement of public procurator, except in case where counsel is required by this law, or counsel has been assigned by a ruling

Article 392 Court of koso appeal shall investigate all the matters contained in the statement of the reasons for *koso* appeal

Court of *koso* appeal may investigate any matters provided by the Articles 377 to 383 even though they are not contained in the statement of the reasons for *koso* appeal

Article 393 Court of *koso* appeal, when it deems it necessary for the investigation mentioned *in the* preceding articles, may, upon request of public procurator, the accused or defense counsel or ex-officio examine evidence However, where a presumptive proof is presented showing that evidence could not be offered for examination before the conclusion of the oral proceeding in the first instance, and where the evidences are essential to the proof of improper determination of penalty or of the errors in finding fact material to the judgment, court must examine evidences

The examinations in the preceding paragraph may be caused to be carried out by a member of a collegiate [illegible]

same authority and powers as a court or a presiding judge

Article 394 Any evidence which was admitted or used as evidence in court of first instance may be used as evidence also in the court of *koso* appeal

Article 395 When an application for *koso* appeal has [illegible]

judgment

Article 396 Where there exists no ground for *koso* appeal prescribed by Articles 377 to 383, it shall be dis- [illegible]

Article 398 When the original judgment is to be quashed on the ground that the original court illegally pronounced itself incompetent or illegally dismissed the public action, the case shall be sent back to the original court by means of a judgment

Article 399 When the original judgment is to be quashed on the ground that the court illegally considered itself competent, the case shall, by a judgment, be transferred to the competent court of first instance However, if the court of *koso* appeal has itself the jurisdiction of first instance over the case, it shall try the case as court of first instance

Article 400 When the original judgment is to be quashed on any ground other than the grounds mentioned in the two preceding articles, the case shall be either sent back to the original court or transferred to another court in the same class as the original court by means of a judgment. However, if the court recognizes that it may immediately render a judgment on the ground of record and evidences already made and examined by *the original court or the court of appeal, it may render* the judgment for the case

Article 401 In case the original judgment is quashed for the benefit of the accused, such judgment shall be quashed also for the co-accused by whom *koso* appeal was lodged if the ground for quashing is common to such co-accused

Article 402 In a case respecting which *koso* appeal has been lodged by, or for the benefit of, the accused, no penalty severer than that imposed by the original judgment may be pronounced [illegible]

Article 404 The provisions relating to public trial in Book II shall apply mutatis mutandis to trial on *Koso* appeal, except as otherwise provided in this law.

Chapter III *Jokoku* Appeal

Article 405 *Jokoku* appeal may be lodged against a judgment in first or second instance rendered by High Court in the following cases

(1) On the ground that there is a violation of the

constitution or an error in construction, interpretation or application of the constitution.

(2) On the ground that a judgment has been formed incompatible with the judicial precedents formerly established by the Supreme Court.

(3) In cases for which there exists no judicial precedents of the Supreme Court, on the ground that a judgment has been formed incompatible with the judicial precedents formerly established by the former Supreme Court (Dai Shin In) or by the High Court as the court of *jokoku* appeal or, after the enforcement of this law, by the High Court as the court of *koso* appeal.

Article 406. The Supreme Court, as the court of the *jokoku* appeal, may, in accordance with the Rules of Court, admit any cases which it deems involve an important problem of the construction of law, before the original judgments become finally binding, even though the cases be not those of which the *jokoku* appeals may be lodged by virtue of the preceding article.

Article 407. Statement of reasons for *jokoku* appeal shall specifically point out the ground for the appeal in accordance with the Rules of Court.

Article 408. Where court of *jokoku* appeal finds, after examining the statement of reason for *jokoku* appeal and other documents, that the appeal is not sustainable, it may dismiss the appeal by means of a judgment without holding the oral proceedings.

Article 409. Court of *jokoku* appeal is not required to summon the accused on date for public trial.

Article 410. Court of *jokoku* appeal shall quash the original judgment in case it finds out that there exist any of the grounds for quashing provided by each item of Article 405. However, this shall not apply if the existence of the ground does not effect the judgment at all.

The preceding paragraph shall not apply to the case where, though there exist some grounds for quashing the original judgment, so far as the application of Items 2 and 3, Article 405 is concerned, yet the court of *jokoku* appeal deems it rather proper to break or change the judicial precedent in question instead of quashing the original judgment.

Article 411. Even where there exists no ground as prescribed by each item, Article 405, if the court of *jokoku* appeal deems it incompatible with justice not to quash the original judgment because of the existence of the following causes, it may quash it by means of judgment.

(1) When there exists any mistake of construction, interpretation or application of law or violation of law which is material to the judgment.

(2) When the penalty has been imposed too unjustly and improperly.

(3) When there exists a gross error in finding facts which are material to the judgment.

(4) When there exists any reason which would support a reopening of procedure (saishin).

(5) When the penalty has been abolished or changed or a general amnesty has been proclaimed after the rendition of the original judgment.

Article 412. When the original judgment is to be quashed on the ground that the court illegally considered itself competent, the case shall by a judgment, be transferred to the competent court of first instance or competent court of *koso* appeal.

Article 413. When the original judgment is to be quashed on any ground other than the grounds mentioned in the preceding article, the case shall be either sent back to the original court or the court of first instance, or transferred to another court in the same class as these courts by a judgment. However, if the court of *jokoku* appeal recognizes that it may immediately render a judgment on the ground of record and evidences already made and examined by the original court or court of the first instance, it may render the judgment for the case.

Article 414. The provisions of the preceding chapter shall apply mutatis mutandis to the trial of the *jokoku* instance, except as otherwise provided in this law.

Article 415. The court of *jokoku* appeal, where it notes error in the contents of its judgment, may amend it by another judgment upon request of public procurator, the accused or defense counsel.

The request mentioned in the preceding paragraph shall be made within ten days after the day when the judgment has been pronounced.

The court of *jokoku* appeal, if it deems it proper, may extend the term fixed by the preceding paragraph upon request of those mentioned in paragraph 1 of this article.

Article 416. Judgment for amendment may be rendered without opening oral proceedings.

Article 417. The court of *jokoku* appeal shall reject the request by means of a ruling without delay in case it will not render a judgment for amendment.

No further request may be brought forward against the judgment for amendment by virtue of Par. 1, Article 415.

Article 418. The judgment of the court of *jokoku* appeal shall become finally binding by expiration of the term mentioned in Article 415, or where any request is made in accordance with paragraph 1 of the same article, by rendition of judgment for amendment or of a ruling rejecting the request.

Chapter IV. *Kokoku* Appeal

Article 419. In addition to the cases where it is specially provided that immediate *kokoku* appeal may be made, *kokoku* appeal may be made against a ruling rendered by a court, except as otherwise provided in

the law.

Article 420 Against a ruling rendered prior to the judgment concerning the jurisdiction of a court or the proceeding, no *kokoku* appeal may be made except in cases where it is specially provided in this law that immediate *kokoku* appeal may be made

The provisions of the preceding paragraph shall not apply to rulings relating to detention, releases on bail, seizure or restoration of articles seized or a ruling relating to confinement necessitated for expert evidence

Against detention, no *kokoku* appeal may be made on the ground that there is no suspicion of crime, notwithstanding the provisions of the preceding paragraph

Article 421. With the exception of immediate *kokoku* appeal, *kokoku* appeal may be made at any time But this shall not apply when there would no longer be any actual advantage in having the original ruling cancelled.

Article 422 The period allowed for immediate *kokoku* appeal is three days

Article 423 *Kokoku* appeal shall be filed in writing to the original court

In case where the original court finds the *kokoku* appeal to be well-founded, it shall correct error in the ruling

In case where it finds the whole or a part of the *kokoku* appeal to be groundless, it shall send the written *kokoku* appeal with the written opinions attached thereto to the court of *kokoku* appeal within three days after the day when it received the written *kokoku* appeal

Article 424. With the exception of immediate *kokoku* appeal, *kokoku* appeal shall not have the effect of suspending the execution of the decision, but the original court may, by a ruling, suspend the execution until the *kokoku* appeal shall have been adjudicated upon

The court of *kokoku* appeal may suspend the execution of decision by a ruling

Article 425 The execution of decision is suspended during the period allowed for immediate *kokoku* appeal and when such *kokoku* appeal has been made

Article 426 In the event of a *kokoku* appeal having [illegible]

Should the *kokoku* appeal be well-founded, the original ruling shall be cancelled by a ruling and, if necessary, a decision rendered anew

Article 427. Against a ruling of the court of *kokoku* appeal no further *kokoku* appeal may be made

Article 428. Against a ruling of a High Court, no *kokoku* appeal may be made

To a ruling made by a High Court against which an immediate *kokoku* appeal is allowed by a special provision and a ruling against which a *kokoku* appeal may be made by virtue of Articles 419 and 420, an objection may be made to the High Court.

The provisions relating to *kokoku* appeal shall apply mutatis mutandis to the objection mentioned in the preceding paragraph The provisions relating to immediate *kokoku* appeal shall apply mutatis mutandis to an objection against a ruling against which immediate *kokoku* appeal is allowed by a special provision

Article 429 [illegible]

(1) A judgment dismissing a motion for challenge,

(2) A judgment relating to detention, temporary detention, seizure or restoration of articles seized,

(3) A judgment ordering confinement for the purpose of the expert evidence,

(4) A judgment imposing a non-penal fine upon a witness, expert witness, interpreter or translator or ordering the same to bear the costs,

(5) A judgment imposing a non-penal fine or ordering compensation for expenses upon the individual of which the person is to be examined

The provisions of Article 420, Par 3 shall mutatis mutandis apply to the request prescribed in the preceding paragraph

A District Court which has received the request mentioned in paragraph 1 shall make a ruling by a collegiate court.

The request for the cancellation or revision of a judgment imposing a non-criminal fine upon a witness, expert [illegible] riod allowed for the request under the preceding paragraph and when such request is made

Article 430 Any person who has any objection to the dispositions mentioned in Article 39, Par 3, or the dispositions concerning seizure or the restoration of seized articles which were effected by a public procurator or the secretary of a public procurator's office, may make a request for the withdrawal or alteration of such dispositions to the court corresponding to the public procurator's office to which the said public procurator or secretary belongs.

Any person who has an objection to the dispositions mentioned in the preceding paragraph which were effected by a judicial police official may make a request for the withdrawal or alteration of such dispositions to the District Court or the Summary Court having jurisdiction over the place where the said judicial police official takes his office.

The provisions of law and ordinance concerning administrative litigations shall not apply to the requests mentioned in the two preceding paragraphs.

Article 431. Requests mentioned in the two preceding articles shall be made in writing to the competent court.

Article 432. The provisions of Articles 424, 426 and 427 shall apply mutatis mutandis in case where the requests mentioned in Articles 429 and 430 have been made.

Article 433. Against a ruling or order to which no objection is allowed in this law, a *kokoku* appeal may be filed to the Supreme Court only on the ground that there exists reason provided in Article 405.

The period allowed for the *kokoku* appeal mentioned in the preceding paragraph is five days.

Article 434. The provisions of Articles 423, 424 and 426 shall apply mutatis mutandis to the *kokoku* appeal mentioned in paragraph 1 of the preceding article, except as otherwise provided in this law.

Book IV

Reopening of Procedure

Article 435. Request for reopening of procedure may be made for the benefit of a person against whom a judgment of guilty has become finally binding in the following cases:

(1) When documentary evidence or pieces of evidence, on which the original judgment was based, has been proved by another finally binding judgment to have been forged or altered;

(2) When a testimony, expert opinion, interpretation or translation on which the original judgment was based has been proved by another finally binding judgment to be false;

(3) When the offense of false accusation committed against a person pronounced guilty has been proved by another finally binding judgment; but this only where the judgment of guilty was rendered because of such false accusation;

(4) When the decision on which the original judgment was based has been altered by a finally binding decision;

(5) When, in a case in which a verdict of guilty has been rendered for the offense of infringing a patent right, an utility model right, a design right or a trade-mark right, a decision of the Patent Office holding such right to be void has become finally binding or a judgment of a court has been rendered to the same effect;

(6) When clear evidence has been newly discovered that in regard to a person pronounced guilty an acquittal or the remission of a penalty should be pronounced, or that a lighter offense than that found by the original judgment should be recognized;

(7) When it is proved by a finally binding judgment that there had been offenses in office committed by a judge who participated in the original judgment, by a judge who participated in making the evidential record which formed a basis of original judgment, or by a public procurator, secretary of Public Procurator's Office or judicial police official who made evidential statement orally or in writing which formed a basis of original judgment. But this shall apply only where, in case a public action was instituted against such judge, procurator, secretary of public procurator's office or judicial police officer or constable prior to the delivery of the original decision, the court which delivered the original decision was unaware of such fact.

Article 436. Request for reopening of procedure may be made against a finally binding judgment by which *koso* appeal or *jokoku* appeal was dismissed, for the benefit of the person to which the judgment was delivered, in the following cases:

(1) If the causes specified in the preceding articles, No. 1 or No. 2 exist;

(2) If the causes specified in the preceding articles, No. 7 exist in regard to a judge who took part in the original judgment or in the preparation of the documentary evidence which was adopted as evidence in the original judgment.

After a judgment for reopening of procedure has been delivered on a case in which reopening of procedure against a finally binding judgment in first instance was requested, reopening of procedure may not be requested against a judgment dismissing the *koso* appeal.

After a judgment for reopening of procedure has been delivered on case in which reopening of procedure against a finally binding judgment in the first or second instance was requested, reopening of procedure may not be requested against a judgment dismissing the *jokoku* appeal.

Article 437. When it is impossible to obtain such finally binding judgment in a case where the fact of an offense having been proved by a finally binding judgment is to be made the cause of the request for reopening of procedure in accordance with two preceding articles, reopening of procedure may be requested on proving such facts. But this shall not apply to the case where such finally binding judgment cannot be obtained for want of evidence.

Article 438. Request for reopening of procedure shall come within the jurisdiction of the court which delivered the original judgment.

Article 439. Following persons may request reopening of procedure:

(1) A procurator corresponding to the competent court;

(2) A person who has been pronounced guilty,

(3) The legal representative and curator of a person who has been pronounced guilty,

(4) The spouse, lineal relatives and brothers and sisters of a person who has been pronounced guilty, if the latter has died or is in a state of unsound mind

Request for reopening of procedure for the causes specified in Article 435, No 7, Article 436, Par 1, No 2 may be made only by a procurator if the offense was instigated by the person who has been pronounced guilty

Article 440 When a person other than a procurator requests reopening of procedure, he may appoint a counsel

The appointment of counsel under the provisions of the preceding paragraph shall remain valid until judgment is rendered in the reopening of procedure

Article 441 Reopening of procedure may be requested even after the execution of the penalty has been completed or where the penalty is not to be executed

Article 442 Request for reopening of procedure shall not have the effect of staying the execution of the penalty, but a procurator of a public procurator's office corresponding to a competent court may stay the execution of the penalty until a decision is rendered in regard to the request for reopening of procedure

Article 443 Request for reopening of procedure may be withdrawn

A person who has withdrawn a request for reopening of procedure may not again request reopening of procedure for the same cause

Article 444 The provision of Article 366 shall apply mutatis mutandis to request for reopening of procedure and the withdrawal thereof

Article 445 On receipt of request for reopening of procedure a court may, if necessary, cause a member of the collegiate court to conduct an investigation of facts relating to the cause of the request for reopening of procedure or may requisition a judge of a District Court or a judge of a Summary Court to undertake it In such case, a commissioned judge and a requisitioned judge shall have the same power as a court or a presiding judge

Article 446 When a request for reopening of procedure has been made contrary to the form of law and ordinance or subsequent to the extinction of the right to make such request, it shall be dismissed by a ruling

Article 447 When a request for reopening of procedure is without grounds, it shall be dismissed by a ruling.

After the ruling mentioned in the preceding paragraph has been rendered, reopening of procedure may not again be requested for the same cause by any person.

Article 448 When a request for reopening of procedure is well founded, a ruling for commending reopening of procedure shall be rendered

When a ruling for commending reopening of procedure has been rendered, execution of the penalty may be stayed by a ruling

Article 449 When, in case reopening of procedure has been requested in respect to a finally binding judgment dismissing *koso* appeal and a judgment of first instance which has become finally binding by the above *judgment, the court of first instance has rendered a* judgment for reopening of procedure, the court of *koso* appeal shall, by a ruling, dismiss the request for reopening of procedure

When in case reopening of procedure has been requested in respect to a finally binding judgment dismissing *jokoku* appeal against a judgment in first or second instance and judgment of first or second instance which has become finally binding by the above judgment, the court of first instance or second instance has rendered judgment for reopening of procedure, the court of *jokoku* appeal shall, by a ruling, dismiss the request for reopening of procedure

Article 450 Immediate *kokoku* appeal may be made against the rulings mentioned in Articles 446, 447, Par 1, or 448, Par 1, and the preceding article, Par 1

Article 451 In a case respecting which a ruling for commencing reopening of procedure has become finally binding, a court shall, except in the case of Article 449, conduct a trial anew according to its grade

The provisions of Article 314, body of Par 1 and Article 339, Par 1, No 2, however, shall not apply to the trial mentioned in the preceding paragraph in the following cases

(1) When the request for reopening of procedure has been made on behalf of a deceased person or a person who is in a state of unsound mind and for whom there is no hope of recovery,

(2) When a person who has been pronounced guilty has, prior to judgment to be rendered on reopening of procedure, died or fallen into a state of *unsound mind from which there is no hope of recovery*

In the case of the preceding paragraph, trial may be held without the appearance of the accused But it may not be held if his counsel does not appear

If, in the case of the first paragraph, the person who has requested reopening of procedure does not appoint counsel, a presiding judge shall, ex-officio, assign a counsel

Article 452. In reopening of procedure, no penalty heavier than that pronounced in the original judgment may be imposed

Article 453. When a pronouncement of "not guilty" has been made in reopening of procedure, such judgment shall be published in the Official Gazette and newspapers

The provisions of law and ordinance concerning administrative litigations shall not apply to the requests mentioned in the two preceding paragraphs.

Article 431. Requests mentioned in the two preceding articles shall be made in writing to the competent court.

Article 432. The provisions of Articles 424, 426 and 427 shall apply mutatis mutandis in case where the requests mentioned in Articles 429 and 430 have been made.

Article 433. Against a ruling or order to which no objection is allowed in this law, a *kokoku* appeal may be filed to the Supreme Court only on the ground that there exists reason provided in Article 405.

The period allowed for the *kokoku* appeal mentioned in the preceding paragraph is five days.

Article 434. The provisions of Articles 423, 424 and 426 shall apply mutatis mutandis to the *kokoku* appeal mentioned in paragraph 1 of the preceding article, except as otherwise provided in this law.

Book IV

Reopening of Procedure

Article 435. Request for reopening of procedure may be made for the benefit of a person against whom a judgment of guilty has become finally binding in the following cases:

(1) When documentary evidence or pieces of evidence, on which the original judgment was based, has been proved by another finally binding judgment to have been forged or altered;

(2) When a testimony, expert opinion, interpretation or translation on which the original judgment was based has been proved by another finally binding judgment to be false;

(3) When the offense of false accusation committed against a person pronounced guilty has been proved by another finally binding judgment; but this only where the judgment of guilty was rendered because of such false accusation;

(4) When the decision on which the original judgment was based has been altered by a finally binding decision;

(5) When, in a case in which a verdict of guilty has been rendered for the offense of infringing a patent right, an utility model right, a design right or a trade-mark right, a decision of the Patent Office holding such right to be void has become finally binding or a judgment of a court has been rendered to the same effect;

(6) When clear evidence has been newly discovered that in regard to a person pronounced guilty an acquittal or the remission of a penalty should be pronounced, or that a lighter offense than that found by the original judgment should be recognized;

(7) When it is proved by a finally binding judgment that there had been offenses in office committed by a judge who participated in the original judgment, by a judge who participated in making the evidential record which formed a basis of original judgment, or by a public procurator, secretary of Public Procurator's Office or judicial police official who made evidential statement orally or in writing which formed a basis of original judgment. But this shall apply only where, in case a public action was instituted against such judge, procurator, secretary of public procurator's office or judicial police officer or constable prior to the delivery of the original decision, the court which delivered the original decision was unaware of such fact.

Article 436. Request for reopening of procedure may be made against a finally binding judgment by which *koso* appeal or *jokoku* appeal was dismissed, for the benefit of the person to which the judgment was delivered, in the following cases:

(1) If the causes specified in the preceding articles, No. 1 or No. 2 exist;

(2) If the causes specified in the preceding articles, No. 7 exist in regard to a judge who took part in the original judgment or in the preparation of the documentary evidence which was adopted as evidence in the original judgment.

After a judgment for reopening of procedure has been delivered on a case in which reopening of procedure against a finally binding judgment in first instance was requested, reopening of procedure may not be requested against a judgment dismissing the *koso* appeal.

After a judgment for reopening of procedure has been delivered on case in which reopening of procedure against a finally binding judgment in the first or second instance was requested, reopening of procedure may not be requested against a judgment dismissing the *jokoku* appeal.

Article 437. When it is impossible to obtain such finally binding judgment in a case where the fact of an offense having been proved by a finally binding judgment is to be made the cause of the request for reopening of procedure in accordance with two preceding articles, reopening of procedure may be requested on proving such facts. But this shall not apply to the case where such finally binding judgment cannot be obtained for want of evidence.

Article 438. Request for reopening of procedure shall come within the jurisdiction of the court which delivered the original judgment.

Article 439. Following persons may request reopening of procedure:

(1) A procurator corresponding to the competent court;

same effect as an irrevocable judgment upon the lapse of period for application for formal trial or upon the withdrawal of such application. The same shall apply where a decision dismissing the application for formal trial has become irrevocable.

Book VII

Execution of Decision

Article 471. Except as otherwise provided in this law, a decision shall be executed after it has become finally binding.

Article 472. The execution of decision shall be directed by public procurator of the public procurator's office corresponding to the court which rendered such decision. But this shall not apply to the cases mentioned in the proviso of Article 70, Par 1 and the proviso of Article 108, Par 1 nor to ruling or order which is of such nature that it should be directed by a court or a judge.

In case a decision of an inferior court is to be executed [illegible] the inferior court or in the public procurator's office corresponding to that court, the public procurator of the [illegible] tion, unless it be for the execution of a penalty, may also be given by affixing a *mitome-in* (initialling seal) to the original or a copy, or extracts from the document of decision, or a copy of or extracts from the protocol containing the decision

Article 474. In case there are two or more principal penalties, other than fines and minor fines, the heaviest shall be executed first However, a public procurator may stay execution of the heavier penalty and cause the other penalty to be executed, with permission of the Procurator General, when he is a public procurator of the Supreme Public Procurator's Office or with permission of the Chief of the High Public Procurator's Office, when he is a public procurator other than of the Supreme Public Procurator's Office

Article 475. The death penalty shall be executed under an order from the Attorney General

The order mentioned in the preceding paragraph shall be given within six months from the day when a judgment becomes finally binding However, in cases where request for the recovery of right of appeal or for a reopening of procedure, or petition of application for an extraordinary appeal or execution clemency has been made, the term for finishing the procedure thereof and the term for which the judgments pronounced upon co-defendants, if any, remains not finally binding shall not be calculated in the said term

Article 476 In the event of the Attorney General having ordered the execution of the death penalty, such execution shall be carried out within five days

Article 477 The death penalty shall be executed in the presence of a Public Procurator, a Secretary of a Public Procurator's Office and either a Warden of the prison or his representative

No person may enter the place of execution except with the permission of a procurator or a chief prison officer

Article 478 A Secretary of a Public Procurator's office who attends at the execution of the death penalty shall [illegible]

Article 479 If a person condemned to death is in a state of unsound mind, the execution shall be stayed by order of the Attorney General

If a woman condemned to death is pregnant, the execution shall be stayed by order of the Attorney General

In case the execution of the death penalty has been stayed under the provisions of the two preceding paragraphs, the penalty may not be executed unless order is given by the Attorney General subsequent to recovery from state of unsound mind or delivery

The provisions of Par 2 of Article 475 shall apply mutatis mutandis to the order mentioned in the preceding paragraph In such case, "the day when a decision becomes finally binding" in said Article shall read "the day of recovery from state of unsound mind or of the day of delivery "

Article 480 If a person condemned to penal servitude, imprisonment or detention is in a state of unsound mind, the execution shall be stayed until his recovery, subject to the direction of a procurator of the public procurator's office corresponding to the court which pronounced the penalty or of a procurator of a District Public Procurator's Office having jurisdiction over the place where the condemned is

Article 481 In case the execution of a penalty has been stayed in accordance with the preceding Article, a procurator shall deliver the condemned to the person who is bound to guard and protect him or to the head of the local public entities and cause them to be placed in a hospital or other suitable place

A person for whom the execution of a penalty has been stayed shall be detained in prison until the imposition provided for in the preceding paragraph has been effected,

Book V

Extraordinary Appeal

Article 454. When it has been discovered after a judgment has become finally binding that the trial or judgment of the case was in violation of law or ordinance, the Procurator-General may lodge an extraordinary appeal in the Supreme Court.

Article 455. Written application stating reasons for extraordinary appeal shall be presented to the Supreme Court in order to make an extraordinary appeal.

Article 456. Public procurator shall argue on the written application for the extraordinary appeal on date for public trial.

Article 457. When an extraordinary appeal is without grounds, it shall be dismissed by a judgment.

Article 458. When an extraordinary appeal is considered to be well founded, a judgment shall be rendered according to the following categories:

(1) When the original judgment was in violation of law or ordinance, the part in violation shall be quashed; but if the original judgment was disadvantageous to the accused, it shall be quashed and a judgment rendered anew in the case;

(2) When any procedure was in violation of law or ordinance, the procedure in violation shall be quashed.

Article 459. With the exception of a judgment rendered under the proviso of No. 1 of the preceding article, the effect of a judgment in extraordinary appeal shall not extend to the accused.

Article 460. Court shall investigate only those matters which are stated in the written application for the extraordinary appeal.

Court may examine evidences to determine whether or not the original court had competent jurisdiction, whether or not the public action was duly admitted, and whether or not the procedure of the case was duly carried out in this case the provision of Article 393, Par. 2 shall apply mutatis mutandis.

Book VI

Summary Procedure

Article 461. In a matter coming within its jurisdiction, the Summary Court may, on the procurator's demand, impose a criminal or minor fine not exceeding five thousand yen by a summary order prior to public trial. In this case, stay of the execution of penalty, confiscation and other accessory measures may be effected.

A summary order may be given only in case where seven days have passed from the day when the suspect was notified of the demand for a summary order by the public procurator and where there is no objection to summary procedure on the part of the suspect.

Article 462. Demand for summary order shall be made in writing simultaneously with the institution of public action.

Article 463. If, in case a demand has been made under the foregoing article, it should be considered that the case does not admit of a summary order being issued or that it is not proper to do so, trial shall be conducted in accordance with the usual provisions. However, if the case is that which is provided by Article 33, Par. 2, Court Organization Law, it shall be transferred to the competent District Court by means of ruling.

Article 464. In the summary order, the fact constituting an offense, the law or ordinance which has been applied, the penalty and other necessary measures to be imposed, and a statement that an application for formal trial may be made within seven days from the day of notification of summary order shall be entered.

Article 465. A person against whom a summary order has been issued, or a public procurator may apply for formal trial within seven days from the day on which such person received a notification thereof.

An application for formal trial shall be made in writing to the court which has issued the summary order. When an application for formal trial has been made, the court shall promptly notify the fact to the public procurator or the person against whom the summary order has been issued.

Article 466. An application for formal trial may be withdrawn prior to the rendering of a judgment in first instance.

Article 467. The provisions of Articles 353, 355-357, and 359-365 shall mutatis mutandis apply to applications for formal trial or withdrawals thereof.

Article 468. In the event of an application for formal trial having been made contrary to the forms of laws and ordinances or subsequent to the termination of the right of application, it shall be dismissed by a ruling. Against such a ruling immediate *kokoku* appeal may be made.

Should an application for formal trial be considered legal, trial shall be conducted in accordance with the usual provisions. In such case, the proviso of Article 463 shall apply mutatis mutandis.

In case of former part of preceding paragraph, the summary order shall not be binding.

Article 469. On a judgment being given on an application for formal trial, the summary order shall lose its effect.

Article 470. A summary order shall acquire the

the period for taking an appeal shall be included in the calculation of the regular penalty, except the number of days of detention pending judgment subsequent to the application for appeal

The number of days of detention pending judgment subsequent to the application for appeal shall be included in the calculation of the regular penalty, in the following cases.

(1) In the case where application for appeal has been made by a public procurator

(2) In the case where application for appeal has been made by a person other than a public procurator, and the original judgment is quashed by the court of appellate jurisdiction

For the purpose of calculation under the two preceding paragraphs, one day of detention pending judgment shall be counted as one day of penal term or a sum of twenty yen

[illegible] judgment during the pendency of the appeal

Article 496 Goods which have been confiscated shall be disposed of by a procurator

Article 497 If, within three months after the execution of confiscation, delivery of the goods confiscated be demanded by the person entitled, a procurator shall deliver them, with the exception of those which are to be destroyed or thrown away

If the demand mentioned in the preceding paragraph is made after the confiscated goods have been disposed of, a procurator shall deliver the price realized at the public sale

Article 498 In case an article forged or altered is restored, the part which is forged or altered shall be indicated on the article itself

In case the article forged or altered has not been seized, it shall be caused to be produced and the measure specified in the preceding paragraph taken But if the article belongs to a public office, the latter shall be notified of the part forged or altered and caused to take suitable measures

Article 499 In case goods under seizure cannot be restored because the whereabouts of the person entitled to such restoration are unknown, or for any other reason, a procurator shall give public notice to such effect in *Official Gazette*

If restoration is not requested within six months from the time of publication, the goods shall accrue to the National Treasury

[illegible] custody

Article 500 If a person who has been ordered to bear the costs of trial cannot make full payment because of poverty, he may request the court which rendered the decision ordering such costs to be borne by him to exempt him from the execution of decision in respect of the whole or a part of such costs

The request mentioned in the preceding paragraph shall be made within ten days from the time when the decision ordering the costs of the trial to be borne became finally binding

Article 501 If a person condemned to a penalty has any doubt in regard to the interpretation of the judgment, he may request the court by which it was pronounced to interpret the decision

Article 502 If a person on whom a judgment is to be executed, or his legal representative or curator, considers any disposition effected by a procurator in regard to the execution to be improper, he may raise an objection in the court which pronounced such decision

Article 503 The motions contemplated in the three preceding articles may be withdrawn at any time before ruling is rendered thereon

The provisions of Article 366 shall apply mutatis mutandis to the motions mentioned in the three preceding articles and to the withdrawal thereof

Article 504 Against a ruling rendered in relation to the motion mentioned in Articles 500–502, immediate *kokoku* appeal may be made

Article 505 As regards the execution of detention in a labor house in a case of inability to make full payment of a fine or a minor fine, the provisions relating to the execution of penalties shall apply mutatis mutandis

Article 506 The cost of execution of any of the decisions referred to in Article 490, Par 1 shall be charged to the person on whom such execution is levied, and shall be collected simultaneously with the execution in accordance with the provisions of law and ordinance concerning the civil procedure

Supplementary Provisions

This law shall come into force as from the day January 1, 1949

and the period of such detention shall be included in the term of the penalty.

Article 482. The execution of penal servitude, imprisonment or detention, may be stayed, subject to the direction of a public procurator of the public procurator's office corresponding to the court which has pronounced the penalty or of a public procurator of a District Public Procurator's Office having jurisdiction over the place where the condemned is. However, the public procurator who directs the staying of the execution must beforehand obtain permission of the Procurator General, when he is a member of the Supreme Public Procurator's Office, or permission of the Chief of the High Public Procurator's Office, when he is a public procurator other than of the Supreme Public Procurator's Office:

(1) If the health of the condemned will be seriously impaired as a result of the execution of the penalty or there is apprehension that he will not survive it;

(2) If the condemned is at least seventy years of age;

(3) If the condemned has been pregnant for one hundred and fifty days or more;

(4) If sixty days have not elapsed after the condemned was delivered of a child;

(5) If there is apprehension that irretrievable disadvantage will result from the execution of the penalty;

(6) If the grandparents or parents of the condemned are at least seventy years of age or crippled or seriously ill, and there are no relatives to protect them;

(7) If the children or grandchildren of the condemned are in their infancy and there is no relative to look after them;

(8) If there is any other serious cause.

Article 483. The decision ordering the costs of the suit to be borne shall not be executed within the period allowed for making the request provided by Article 500, nor, in case such request has been made, until a decision thereon has become finally binding.

Article 484. If a person condemned to death, imprisonment with or without hard labor or detention is not under confinement, a procurator shall call him for the purpose of the execution of the penalty. If he does not appear in response to the calling, a writ of commitment shall be issued.

Article 485. If a person condemned to death, imprisonment with or without hard labor or detention has taken flight, or if there is apprehension that he may take flight, a procurator may immediately issue a writ of commitment or order a judicial police officer to do so.

Article 486. If the whereabouts of a person condemned to death, imprisonment with or without hard labor or detention are unknown, a procurator may request a chief of High Procurator's Office to commit him to prison.

A chief of High Procurator's Office so requested shall direct a procurator in his district to issue a writ of commitment.

Article 487. In a writ of commitment, the name, dwelling and age of the person condemned, the name and duration of the penalty and other matters necessary for the arrest shall be entered and it shall bear the sign and seal of a procurator or judicial police officer.

Article 488. A writ of commitment shall have the same effect as a warrant of production.

Article 489. The provisions relating to the execution of warrants of production shall apply mutatis mutandis to the execution of writs of commitment.

Article 490. A judgment imposing a penal fine, minor fine, confiscation, additional collection, non-criminal fine, sequestration, the costs of trial, compensation for costs or provisional payment shall be executed by an order of a procurator. Such an order shall have the same effect as an executable title of obligation.

The provisions of law and ordinance concerning the civil procedure shall apply mutatis mutandis in regard to the execution of decisions referred to in the preceding paragraph. But the service of the decision is not necessary prior to the execution.

Article 491. Confiscation, or a fine, or additional collection imposed under the provisions of law or ordinance relating to taxes or other imposts or a Government monopoly, may be executed upon the property of succession in the event of the condemned having died after the judgment became finally binding.

Article 492. If, in case a juridical person has been condemned to fine, minor fine, confiscation or additional collection, such juridical person has been extinguished by amalgamation after the judgment became finally binding, the penalty may be executed on the juridical person which remains in existence after the amalgamation or which was formed by the amalgamation.

Article 493. If, in case decision of provisional payment were made in the first and second instances, the decision in the first instance has been executed, such execution is deemed to be for the decision in the second instance to the extent of the amount of money ordered to be paid by the said decision.

In the case of the preceding paragraph, where the amount of money obtained by the execution of decision of provisional payment in the first instance exceeds the amount of money ordered to be paid by such decision in the second instance, the exceeding amount shall be reimbursed.

Article 494. If, in case a decision of provisional payment has been executed, a decision of a fine or minor fine has become finally binding, the penalty shall be deemed to have been executed to the extent of the amount paid.

In the case of the preceding paragraph, when the amount of money obtained by the execution of decision of provisional payment exceeds the amount of fine, minor fine or additional collection, the exceeding amount shall be reimbursed.

Article 495. The number of days of detention during

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ragraph to the

The treasurer of political party, associa-
[illegible] organization shall render a statement as of
[illegible] ust 31 and December 31 each year, within
[illegible] m the next day of the aforesaid dates,
[illegible] particulars mentioned in the following
Election Management Commission con-
[illegible] dance with the classification under each
[illegible] 6, Paragraph 1

[illegible] se of a political party, all contributions and
[illegible], and in case of association and other organi-
[illegible] ll contributions (including contribution made
[illegible] knowledge of the chairman or chief manager,

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[illegible] ntributions were made for several times, their
[illegible] ate amount), the name and contributions which

[illegible]

tribution, the amount and date thereof

3 All the payments of political party, association
l other organization (including payments made with
the knowledge of the chairman or chief manager or the
treasurer of political party, association and other organi-
zation on behalf of such organizations)

4 Concerning the aforesaid payments which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times their aggregate amount), and payments which were made by one other than a political party, association or other organization, and exceed five hundred (500) yen the name, address and occupation of the person to whom such payments were made, and the object and date thereof

The statement mentioned in the preceding Paragraph shall show all contributions and other income as well as payment received or made since January 1 with the aggregate

The National Election Management Commission shall prescribe the form of the statement under Paragraph 1 and publish the same in the Official Gazette

Article 13 The treasurer of the political party, association and other organization shall submit, concerning the matters relative to the contributions and payments received or made in connection with the election, to the Election Management Commission concerned a statement showing the matters prescribed in each item of Paragraph 1 of the preceding Article in accordance with the provisions prescribed in the following items

1 Among the contributions and other income as well as payments received or made in connection with the election of candidate for public office prior to the date of such election, those received or made before the day

LAW CONCERNING THE REGULATION OF POLITICAL CONTRIBUTIONS AND EXPENDITURES

Chapter 1. General Rules

Article 1. The present Law aims at the sound development of democratic government, by clearing up political activities of political party, association and other organization and candidate for public office, etc. and by securing just election.

Article 2. The term "election" as used in this Law shall mean the election under the Law for Election of Members of the House of Representatives, the Law for Election of Members of the House of Councillors and the Local Autonomy Law.

Article 3. The term "political party" as used in this law shall mean any organization which have as their primary purpose, that of promoting, supporting or opposing a political principle or policy, or recommending, supporting or opposing candidate for public office.

The term "association and other organization" as used in the Law shall mean organizations other than political parties which have the purpose of supporting or opposing a political principle or policy, or recommending, supporting or opposing a candidate for public office.

Article 4. The term "candidate for public office" as used in this Law shall mean an individual who has declared himself or been recommended as a candidate in the election under Article 2 in accordance with the laws mentioned in the aforesaid Article.

Article 5. The term "income" as used in this Law shall mean receipt of money, goods and other property interests as well as acceptance or promise of receipt of the same.

The term "contribution" as used in this Law shall mean offer or delivery of money, goods and other property interests as well as promise of offer or delivery of the same, other than those made as party fee, membership fee or discharge of liabilities.

The term "payment" as used in this Law shall mean offer or delivery of money, goods and other property interests as well as promise of offer or delivery of the same.

Chapter II. Political Party, Association and other Organization

Article 6. The political party, association and other organization shall have a chairman or chief manager and a treasurer, and report in writing to the Election Management Commission concerned, according to the following classification, their names, addresses, dates of birth and dates of appointment as well as the address of the main office of the political party, association and other organization, within seven (7) days from the day of its establishment or from the day when it has come to have the purpose prescribed in Article 3.

1. As to the political party, association and other organization, which have the purpose as provided for by Article 3, within the boundary of city, town or village, the Election Management Commission of the city, town or village, wherein its main office is located.

2. As to the political party, association and other organization, which have the purpose as provided for by Article 3 over the boundary of more than one city, town or village within the same To, Do, Fu or Ken or outside the boundary of city, town or village wherein its main office is located, the Prefectural Election Management Commission through the Election Management Commission of city, town or village wherein its main office is located.

3. As to the political party, association and other organization, which have the purpose as provided for by Article 3 over the boundary of more than one To, Do, Fu or Ken, or outside the boundary of To, Do, Fu or Ken, wherein its main office is located, the National Election Management Commission through the Election Management Commission of To, Do, Fu or Ken wherein its main office is located.

The political party, association and other organization shall previously designate a person who shall perform the duties of a treasurer in the latter's incapacity or absence, and report the same simultaneously with the report under the preceding Paragraph in the similar manner as prescribed in the aforesaid Paragraph.

Article 7. The political party, association and other organization shall report any change in the matters reported in accordance with the preceding Article, within seven (7) days from the day of such changes in the similar manner as prescribed in the preceding Article.

Article 8. No contribution shall be accepted or payment made, in whatever name by the political party, association and other organization, for the purpose of recommendation, support or opposition of candidate for public office or for other political activities, until report is made in accordance with the provisions of Article 6 or of the preceding Article. Provided, however, in case of absence of treasurer, if there is a person reported in accordance with the provisions of Article 6, Paragraph 2 or of the preceding Article to perform the duties of treasurer, the foregoing provisions shall not apply.

Article 9. The treasurer of political party, association and other organization shall keep account-books and

enter therein the matters mentioned in the following items

1. In case of a political party, all contributions and other incomes, and in case of an association and other [illegible]
manager, or treasurer)

2 [illegible]
tioned in the preceding item, as well as the amount (in case of property interests other than money, their current value, the same shall apply hereinafter) and date thereof

3. All payments made by political party, association and other organization (including payments made with the knowledge of its chairman or chief manager or treasurer on behalf of the political party, association and other organization)

4 The name, address and occupation of all persons to whom such payments mentioned in the preceding item have been made, as well as the object, amount and date of such payments

The National Election Management Commission shall prescribe the kind and form of account-book mentioned in the preceding Paragraph and publish them in the *Official Gazette*

Article 10. Any person who accepts contributions or makes payments with the knowledge of the chairman, or chief manager or the treasurer of political party, association and other organization for or on behalf of the said political party, association and other organization, shall submit to its treasurer a detailed statement including the name, address and occupation of contributer or receiver of such payment and the amount of contribution or payment, object of payment and date thereof within seven (7) days after the receipt of contribution or the defrage of payment It shall however, be submitted immediately upon request of its treasurer

Article 11. The treasurer of political party, association and other organization or the person who made payment with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such political party, association and other organization, shall collect and keep receipt or voucher for any payment exceeding one thousand (1,000) yen except, where are the circumstances which render such collection impossible

The person who made payment exceeding one thousand (1,000) yen with the knowledge of the chairman or chief manager, or the treasurer of the political party, association and other organization on behalf of such political party, association and other organization shall send the receipt or voucher under the preceding Paragraph to the treasurer immediately.

Article 12. The treasurer of political party, association [illegible]
items to the Election Management Commission concerned in accordance with the classification under each item of Article 6, Paragraph 1

1 In case of a political party, all contributions and other income, and in case of association and other organization all contributions (including contribution made with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such organizations)

2 Concerning aforesaid contributions which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times, their aggregate amount), the name and contributions which were made by one other than a political party, association and other organization and exceed five hundred (500) yen address and occupation of the person making such contribution, the amount and date thereof

3 All the payments of political party, association and other organization (including payments made with the knowledge of the chairman or chief manager or the treasurer of political party, association and other organization on behalf of such organizations)

4 Concerning the aforesaid payments which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times their aggregate amount), and payments which were made by one other than a political party, association or other organization, and exceed five hundred (500) yen the name, address and occupation of the person to whom such payments were made, and the object and date thereof

The statement mentioned in the preceding Paragraph shall show all contributions and other income as well as payment received or made since January 1 with the aggregate.

The National Election Management Commission shall prescribe the form of the statement under Paragraph 1 and publish the same in the Official Gazette.

Article 13 The treasurer of the political party, association and other organization shall submit, concerning the matters relative to the contributions and payments received or made in connection with the election, to the Election Management Commission concerned a statement showing the matters prescribed in each item of Paragraph 1 of the preceding Article in accordance with the provisions prescribed in the following items

1. Among the contributions and other income as well as payments received or made in connection with the election of candidate for public office prior to the date of such election, those received or made before the day

of announcement or notice of the date of such election together with those received or made after the announcement or notice of the date of election but seven (7) days before the date of election, five (5) days before the date of election.

2. As to the contributions and other income as well as payments received or made in connection with the election of candidates for public office, during the period six (6) days before the date of such election up till the date of such election as well as after the date of such election, together with the settlement of account of the contributions and other income as well as payments, received or made before seven (7) days prior to the date of election, within fifteen (15) days after the date of election.

3. As to the contributions and other income as well as payments received or made in connection with the election after the statement under the preceding item was filed, within seven (7) days from the day such contributions and other income as well as payments were received or made.

In case of election under Article 65, Paragraph 1 of the Local Autonomy Law, the contributions and other income as well as payments received or made in connection with the election, required after the election day of chief of local public entity shall be regarded as contributions and other income as well as payments received or made in connection with the election, and the provisions of items 2 and 3 of the preceding Paragraph shall be applied to them. Provided that, the report shall be submitted within fifteen (15) days from the date of election under the aforesaid Article.

Article 14. In case where two or more elections are held simultaneously or in rapid succession and the contributions and other income as well as payments are difficult to decide for which of such elections they were intended, the statement prescribed in Paragraph 1 of the preceding Article shall contain all such contributions and payments.

For the purpose of the filing of the statement prescribed in the preceding Paragraph, the period of election shall be the period from the day the first announcement or notice of the date of such election was made to the day of the last election.

Article 15. In case a change is made in the treasurers of political party, association and other organization, the retiring treasurer shall hand over his duties to his successor within fifteen (15) days from the day of former's retirement.

In case the retiring treasurer can not transfer his duties or his successor can not take over the former's duties, the person who performs the duties of treasurer under Article 6, Paragraph 2 shall transfer or take over the duties. When it becomes possible to transfer the duties to the successor after the person who performs the duties of treasurer took over the duties, the latter shall immediately transfer the duties to the successor.

When the transfer of duties is made in accordance with the provision of the preceding two Paragraphs, the person who transfers the duties shall make a statement of transference in similar manner as prescribed in Articles 12 and 13, write the fact of transference and the date thereof, sign and set seal on the statement with the person who takes over the duties, and hand over the statement together with cash, account-book and other documents.

Article 16. The treasurer of political party, association and other organization shall preserve account-book, detailed statements as well as receipts or other voucher for payment for a period of two years after the day when the statements prescribed in Article 12 or 13 was filed.

Article 17. In case a political party is dissolved or a political party, an association and other organization has ceased to have the object prescribed in Article 3, its chairman or chief manager and treasurer shall report the fact and the date within fifteen (15) days from such date, together with the statement of contributions and other income as well as payments as of the day of dissolution or the day when it ceased to have the object of Article 3 in the similar manner under Article 12 to the Election Management Commission concerned.

Article 18. Among the provisions in this Chapter, those concerning political party shall be applied with necessary modification to its local chapters, and these concerning association and other organization shall apply with necessary modification to its branches.

Chapter III. Candidate for Public Office

Article 19. A candidate for public office shall appoint a person who shall assume the responsibility for payments of expenses for election campaign (hereinafter to be called the accountant.) This shall not preclude the candidate to assume such responsibility on himself or the recommender (in case where these are more than one recommender, their representative) to appoint, or himself to act as the accountant with the consent of the candidate.

The person who has appointed the accountant shall fix the highest amount which the accountant may defray in a written statement, sign and set seal upon it together with the treasurer.

The person who has appointed the accountant (including the candidate or the recommender who has become the accountant himself) shall forthwith render a written report to the Election Management Commission concerned stating the name, address, occupation, age and date of such appointment along with the name of the candidate.

The recommender, who has appointed the accountant, in filing the report mentioned in the preceding Paragraph shall attach thereto a document proving the candidate's consent to such appointment (in case where there are more than one recommender, also a document to prove his representative capacity)

Article 20 A candidate may remove the accountant by a written notice The same shall apply to the recommender who appointed the accountant, when the consent of the candidate was obtained for such measure

The accountant may resign his post by notifying the candidate and the appointer in writing

Paragraph 3

The report of removal or resignation prescribed in the preceding Paragraph shall be accompanied by a document proving the fact that the notice provided for in the preceding Article has been given In case where the accountant is removed from his post by the recommender, the report must be accompanied additionally by a document proving the candidate's consent

Article 22. In case where the accountant is prevented from executing his duty or absent, the person who appointed him shall take his place Should the recommender who appointed the accountant be unable to take the accountant's place, the candidate shall attend to the duties of the accountant (the same applies to the case with the recommender who has become the accountant).

The person who executes the duties of the accountant in accordance with the provision of the preceding Paragraph shall report the fact in writing in the similar manner as prescribed in Article 19, Paragraph 3 and Paragraph 4

The report mentioned in the preceding Paragraph must show the name (also the name of the recommender who appointed the accountant, if he, too, is prevented or absent) the circumstance which prevented the execution of the duty or of vacancy and the date on which the execution of the duty of the accountant by proxy was commenced Where the person who acts in place of the accountant ceases to do so, the fact and the date thereof shall be reported in writing

Article 23 The accountant (including the person who acts in his place) shall not, until after the report prescribed in Article 19, Paragraph 3 and Paragraph 4, Article 21 or Paragraph 2 and 3 of the preceding Article, receive contributions or make payment for the candidate, in whatever name, for the recommendation, support or opposition and other campaigns The same shall apply in case where the candidate or the recommender receives contributions

Article 24. The accountant shall keep account-book and enter therein the following matters

1 All contributions and other income in connection with the election campaign (including contributions made for the candidate with the knowledge of the candidate or the accountant)

2 The name, address and occupation of the person who made contributions prescribed in preceding item as well as the amount and date of such contributions

3 All payments made in connection with the election campaign (including payments made for the candidate with the knowledge of the candidate or the accountant)

4 The name, address and occupation of the person who received the payments prescribed in preceding item as well as the object, amount and date of such payments

The provisions of Article 9, Paragraph 2 shall be applied with necessary modifications to the account-books prescribed in preceding Paragraph

Article 25 Any person other than the accountant who has received any contribution on behalf of the candidate in connection with the election campaign shall present to the accountant within seven (7) days of the receipt of such contribution a detailed statement showing the name, address and occupation of the contributor as well as the amount and date thereof He shall, however, present it immediately on demand of the accountant

With respect to any contribution received by such candidate before filing his candidacy, he shall present to the accountant the detailed statement thereof immediately after filing his candidacy

Article 26 With the exception of initial expenses necessary for preparation for candidacy as well as expensed necessary payments made for conducting election campaign by recommending letters written by recommender own hands or by telephone without the knowledge of such candidate or of the accountant, all payments for an election campaign shall not be made by any person other than the accountant (including the person who execute the accountant s duty in latter s place) This, however, shall not apply to persons who have obtained a written consent of the accountant for such payments

With respect to the initial expense for the preparation of candidacy paid by the candidate or any person who has become the accountant, or by any other person acting with the knowledge of such person as specified above, the accountant, immediately after assuming his post, shall settle accounts with such candidate or with the person who has made such payments

Article 27. The accountant or any person who has made payments with the knowledge of the candidate or the accountant on behalf of the latter shall collect receipts and other vouchers of any payments made in connection with the election campaign This shall, however, not apply in case there are circumstances which

prevent such collection.

The person who made payments with the knowledge of the candidate or the accountant on behalf of the latter shall immediately send such receipts and vouchers to the accountant.

Article 28. The accountant shall file a statement showing the matters prescribed in each item of Article 24, Paragraph 1 concerning the contributions and other income as well as payments received or made in connection with the election campaign of the candidate to the Election Management Commission concerned.

The provisions in Article 13 shall apply with necessary modifications to the date of filing such statement.

Article 29. When the accountant either resigns his post or is removed, he shall immediately prepare a statement of the contributions and other income received and payments made with respect to the election and hand it over to the new accountant, or the person who acts for the accountant. The above shall apply to a case where a new accountant is appointed after the person who is not the accountant took over the duties of an accountant.

In case the handing over of duties is made in accordance with the provisions of the preceding Paragraph, the person who hands over the duty shall make a statement in similar manner as prescribed in the preceding Article showing the fact and date of such transference, to be signed and set seal by both the person who hands over and the person who takes over the duty. It shall be handed over together with cash, account-book, other documents.

Article 30. The accountant shall preserve the account-book, detailed statement and receipts and vouchers of payments for a period of two years from the day the report prescribed in Article 28 was filed.

Chapter IV. Person other than political party association, other organization and candidate for public office

Article 31. In case any person other than a political party, association, other organization and its branch as well as candidate for public office, has made a payment more than two thousand (2,000) and five hundred (500) yen at one time, (in case such payments were made in installment, their aggregate amount) directly or indirectly under a name other than that of the person in connection with the election of the candidate for public office for sake of the political party, association, other organization or its branch. He shall file a report stating the following items within the ten (10) days with the Election Management Commission having the control over the business matter concerning such election. However, this shall not apply to the case where the written report is to be made by the treasurer, in accordance with the Article 13.

1. All expenditures.

2. The name, address and occupation of those who received the payment provided for in preceding paragraph, and the purpose of expenses, sum and date.

Article 32. In case a person who holds a public office (including those who hold elective positions in the public services) made contributions in connection with election for a candidate for public office, he shall file within ten (10) days reckoning the date of contributions a written report stating his name, occupation and the name of office which he belongs to as well as amount of the contribution, date and the name of person whom such contributions were made with the Election Management Commission having the control over the business matter of the election concerned.

In case of the preceding paragraph, if the contributions were made for a political party, association or other organization, its treasurer and if they were made for a candidate for public office, his accountant shall file a written report in accordance with the provisions prescribed in the Article 13 or Article 28 stating in it the items of the aforesaid paragraph with the Election Management Commission having the control over the business matter of the election concerned, notwithstanding the amount of contribution.

Chapter V. Publication of Reports

Article 33. On acceptance of reports prepared in accordance with the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, Article 31, the preceding Article or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification, the Election Administration Commission concerned shall announce their substance publicly according to the manner prescribed by the National Election Management Commission.

The public announcement prescribed in the preceding paragraph shall be made by the Official Gazette in the case of the National Election Management Commission and the Election Administration Commission for the Members of the House of Councillors from the Nation-wide Constituency, and by the official bulletin in the case of the Election Administration Commissions of the Metropolice, Hokkaido and prefectures, and in the case of Election Administration Commissions of cities, towns and villages in a way convenient for dissemination that was fixed previously by notification.

Article 34. The reports prepared in accordance with the provisions of Articles 12 to 14, Article 17, or Article 18, or Article 28, Article 31, Article 32 or Paragraph 2, Article 35 in which these Articles are applicable with

necessary modification shall be kept for two years (2 years) by the Election Administration Commissions which have accepted them from the date of their acceptance

During the period specified in the preceding paragraph any person shall be at liberty to inspect the reports, according to the manner prescribed by the National Election Management Commission, the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency or the Election Administration Commissions of the Metropolice, Hokkaido and prefectures or cities, towns and villages

Chapter VI Restrictions concerning Contributions

Article 35. No person given in the following items shall make contributions in connection with elections Provided that a person referred to Item 1 may make a contribution to the political party, association or other organization which he belongs to, and to a person who resides in, or is campaigning in, or is a candidate for elective public office outside of the area concerned with a particular election

1 A candidate for the election for public office

2. A party of a contract for work or of other agreement attended with special profits made with the State, in case of the election under the Law for Election of the Members of the House of Representatives or the Law for Election of the Members of the House of Councillors or with the local public entity concerned, in case of the

year of 1947.

The candidate referred in Item 1 of the preceding paragraph shall submit the written report on the contributions made by him during the period of 1 year previous of the day of announcement and notice of the date of election stating the name of the person who received the contribution (if a body, the name of it) the amount of the sum, and the date to the Election Administration Commission administrating the business matters concerning the election concerned

Article 36 Any person shall not canvass or ask for a contribution in connection with elections from the persons referred in the items of the first paragraph of the preceding Article

Any person shall not receive contributions in connection with elections from the persons given in the items of the first paragraph of the preceding Article, and from a foreign national or a foreign corporation or organization

Article 37 No person shall make a contribution in connection with any election anonymously or under any name other than his full legal name together with his legal address or through a third person

No person shall receive such a contribution such as prescribed in the preceding paragraph

In case where contributions were made in violation of the provisions of the paragraph 1, ownership of money or property, thus contributed shall be deemed to revert to the State Treasury and the person in custody of these shall take the proceedings in order to deliver these to the State Treasury

Chapter VII Penal Provisions

Article 38 If any political party, association and other organization or their branches accepts a contribution or make an expenditure in contravention of the

ization or its branch may be also imprisoned not more than 5 years, or be fined not less than one thousand (1,000) yen and not more than one hundred thousand (100,000) yen

Article 39 Any person who conducts any of actions enumerated in the following items shall be imprisoned not more than 3 years or be fined not less than one thousand (1,000) yen and not more than fifty thousand (50,000) yen Provided that the fine to be imposed to any person *who is guilty of making false entry or statement*, or presenting false documents under Item 1 to Item 3 inclusive, Item 5, Item 9 and Item 10, shall be not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen

1. Any person who does not provide for account-books, who omits to enter in the account-books, or who makes false entry therein in violation of the provisions of Article 9 or of Article 18 or Article 24 in which Article 9 is applicable

2. Any person who neglects to submit detailed statements or who makes false entry therein in contravention of the provisions of Article 10 or of Article 18 or Article 25 in which Article 10 is applicable.

3 Any person who does not call for receipts or other documents proving expenditures made or who makes *false entry therein in contravention of the provisions of*

prevent such collection.

The person who made payments with the knowledge of the candidate or the accountant on behalf of the latter shall immediately send such receipts and vouchers to the accountant.

Article 28. The accountant shall file a statement showing the matters prescribed in each item of Article 24, Paragraph 1 concerning the contributions and other income as well as payments received or made in connection with the election campaign of the candidate to the Election Management Commission concerned.

The provisions in Article 13 shall apply with necessary modifications to the date of filing such statement.

Article 29. When the accountant either resigns his post or is removed, he shall immediately prepare a statement of the contributions and other income received and payments made with respect to the election and hand it over to the new accountant, or the person who acts for the accountant. The above shall apply to a case where a new accountant is appointed after the person who is not the accountant took over the duties of an accountant.

In case the handing over of duties is made in accordance with the provisions of the preceding Paragraph, the person who hands over the duty shall make a statement in similar manner as prescribed in the preceding Article showing the fact and date of such transference, to be signed and set seal by both the person who hands over and the person who takes over the duty. It shall be handed over together with cash, account-book, other documents.

Article 30. The accountant shall preserve the account-book, detailed statement and receipts and vouchers of payments for a period of two years from the day the report prescribed in Article 28 was filed.

Chapter IV. Person other than political party association, other organization and candidate for public office

Article 31. In case any person other than a political party, association, other organization and its branch as well as candidate for public office, has made a payment more than two thousand (2,000) and five hundred (500) yen at one time, (in case such payments were made in installment, their aggregate amount) directly or indirectly under a name other than that of the person in connection with the election of the candidate for public office for sake of the political party, association, other organization or its branch. He shall file a report stating the following items within the ten (10) days with the Election Management Commission having the control over the business matter concerning such election. However, this shall not apply to the case where the written report is to be made by the treasurer, in accordance with the Article 13.

1. All expenditures.

2. The name, address and occupation of those who received the payment provided for in preceding paragraph, and the purpose of expenses, sum and date.

Article 32. In case a person who holds a public office (including those who hold elective positions in the public services) made contributions in connection with election for a candidate for public office, he shall file within ten (10) days reckoning the date of contributions a written report stating his name, occupation and the name of office which he belongs to as well as amount of the contribution, date and the name of person whom such contributions were made with the Election Management Commission having the control over the business matter of the election concerned.

In case of the preceding paragraph, if the contributions were made for a political party, association or other organization, its treasurer and if they were made for a candidate for public office, his accountant shall file a written report in accordance with the provisions prescribed in the Article 13 or Article 28 stating in it the items of the aforesaid paragraph with the Election Management Commission having the control over the business matter of the election concerned, notwithstanding the amount of contribution.

Chapter V. Publication of Reports

Article 33. On acceptance of reports prepared in accordance with the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, Article 31, the preceding Article or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification, the Election Administration Commission concerned shall announce their substance publicly according to the manner prescribed by the National Election Management Commission.

The public announcement prescribed in the preceding paragraph shall be made by the Official Gazette in the case of the National Election Management Commission and the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency, and by the official bulletin in the case of the Election Administration Commissions of the Metropolice, Hokkaido and prefectures, and in the case of Election Administration Commissions of cities, towns and villages in a way convenient for dissemination that was fixed previously by notification.

Article 34. The reports prepared in accordance with the provisions of Articles 12 to 14, Article 17, or Article 18, or Article 28, Article 31, Article 32 or Paragraph 2, Article 35 in which these Articles are applicable with

Paragraph 1, of the preceding Article or Article 44 has been sentenced to punishment, provided that the notification or sending as prescribed in Paragraph 2 or 3, Article 86 of the said Law shall be addressed to the National Election Management Commission and the Election Administration Commission of the Nation-wide Constituency Members of the House of Councillors or the National Election Management Commission and the President of the House of Councillors in case of the nationwide constituency members of the House of Councillors, and to the National Election Management Commission and the President of the House of Councillors in case of the members elected at the local constituency of the House

Article 47. Any person shall have neither the right to vote nor be eligible to be elected at the election, to which the present Law applied, for five (5) years after the decision of trial has been fixed in the case where he has been sentenced punishment of fine on conviction of such offences prescribed on Articles 39 to 42, or during the time until he shall have undergone the execution of punishment after the decision of trial has been fixed or until he has been exempted from the execution of such punishment except for the case where the exemption has been made by the prescription, and for five (5) years more thereafter Provided in case probation has been sentenced, such period shall be from the day of the court decision to the day on which he shall have not to be required to undergo the execution of punishment any more

The court may, under the extenuating circumstances, sentence not to apply the provisions prescribed in the preceding paragraph that any person shall have neither the right to vote nor be eligible to be elected or to reduce such period, to the person prescribed in the same paragraph, at the time of the sentence of original punishment

Article 48 The crime prescribed in the present Chapter shall be expired by prescription due to the expiring of two (2) years

Chapter VIII Supplementary

Article 49. The report to be filed by the treasurer of

applicable with necessary modifications of the aforesaid Articles shall be accompanied by an affidavit swearing the authenticity of the Statement written in such report

Article 50 The documents to be filed under Articles 6, 7, or under Article 18, Article 19, Paragraphs 3 and 4, Art 21 or Article 22, Paragraphs 2 and 3, pertaining thereto and the reports under Articles 12 to 14, Article 17, or under Article 18, pertaining thereto, or Articles 28, 31 or 36 shall be deemed to have duly been filed when there were deposited with a post office by registered mail

Article 51 In case such is considered necessary in executing, this Law, the National Election Management

Constituency may direct and supervise the Prefectural Election Management Commission and the Prefectural Election Management Commission may direct and supervise the City, Town and Village Election Management Commission respectively In case it is considered necessary to investigate the documents or reports which have been filed as provided for in this Law, the above-mentioned provision shall be applicable in the same manner

Article 52 The National Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency, the Metropolitan, Hokkaido or Prefectural Election Management Commission, or the City, Town or Village Election Management Commission may ask the political organization, association, other organization, candidate for public office or those relative thereto, to submit the reports or materials, in case such is considered necessary in executing this Law

Article 53 The whole-business-matters union of towns and or villages shall be deemed as a town or a village in application of this Law

Article 54 The following expenses shall be borne by the National Treasury

1 The expenses for publication as provided for in Article 33

2 The expenses for the preservation of reports, as provided for in Paragraph 1, Article 34

3 The expenses for the facilities for perusal of reports, as provided for in Paragraph 2, Article 34

Additional Rules

Article 55. This Law shall come into force on the day of its promulgation

Article 56 The political party association, and other organization and their branch offices which fall under Article 3 and which exist at the time of enforcement of this Law shall make a notification, as provided for in

Article 11, or of Article 18 or Article 27 in which Article 11 is applicable with necessary modifications.

4. Any person who does not preserve account-books, detailed statements or receipts or other documents proving expenditures in contravention of the provisions of Article 16 or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

5. Any person who makes false entry into account-books, detailed statements or receipts or other documents proving expenditures required to be preserved in accordance with the provisions of Article 16, or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

6. Any person who does not hand over the duties in accordance with the provisions of Article 15 or of Article 29.

7. Any person who accepts a contribution or makes an outlay in contravention of the provisions of Article 23.

8. Any person who makes an outlay in contravention of the provisions of Paragraph 1, Article 26.

9. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Article 31, Paragraph 1 of Article 32 or Paragraph 2 of Article 35.

10. Any person who refuses to submit the report as prescribed in Article 52 or the materials or submits a false report or materials.

Article 40. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, or Paragraph 2, Article 32 or Article 31 in which these Articles are applicable, shall be imprisoned not more than 5 years or be fined not less than five thousand (5,000) yen, not more than one hundred thousand (100,000) yen.

In case of the preceding paragraph, the chairman or the chief manager of political party, association or other organization or their branch who neglects appropriate cares in regard to the appointment and supervision of treasurer of such organization or its branch may also be fined not less than one thousand (1,000) yen, not more than fifty thousand (50,000) yen.

Article 41. In case when any person who is given in Items 1 and 2, of the first paragraph of Article 35, makes contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment for not more than three (3) years or a fine of not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen. Any person who made contributions in violation of Paragraph 1, Article 37 shall be treated in the same manner.

In case any person who is given in Item 3, of the first Paragraph of Article 35, makes the contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment of not less than six (6) months and not more than three (3) years.

Article 42. Any person who canvasses or requests the contribution in violation of the provisions of Paragraph 1, Article 36 or receives the contribution in violation of Paragraph 2 of the said Article or Paragraph 2, Article 37 shall be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case any political party, association or other organization or their branch accepts a contribution in violation of the provisions of Paragraph 2, Article 36, or Paragraph 2, Article 37 such political party, association or other organization or their branch shall be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case of the preceding paragraph, the chairman, chief manager or other responsible person of the organization of the said paragraph or its branch may be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen, and not more than fifty thousand (50,000) yen.

Article 43. A person who commits crimes in Articles 38; Paragraph 1, Article 39, Paragraph 1, Article 40, Paragraphs 1 of the preceding Article, may, depending upon circumstances, be also imprisoned and fined.

A person who by grave negligence commits crimes in Article 39, Paragraph 1, Article 40, Paragraph 1, Article 41, and Paragraphs 1 of the preceding Article shall be punished, provided that the court may, depending upon circumstances, extenuate the penalty.

Article 44. In case an elected person has been sentenced in accordance with the provisions of Article 38, Paragraph 2, Article 39 or Article 40 to a punishment on the charge of violation of the provisions of Article 8, Article 13, or of Article 18 or Article 23 or Article 28, in which these Articles are applicable with necessary modifications, this election shall be null and void.

Article 45. If the treasurer of a political party, association or other organization or their branch, the accountant of a candidate for a public office, has neglected to submit the written report as prescribed in the provisions of Article 13, or of Article 18 or Article 28, in which Article 13 is applicable with necessary modification, or has made false entry therein for the purpose of making a candidate for a public office to be elected and has been sentenced therefore to punishment by the provisions of Article 40, the election of such candidate shall be null and void.

When the procurator deems that the case fallen under the crime as prescribed in Article 40 shall come under the provisions of the preceding paragraph, he shall bring a lawsuit against the said elected person in parallel with the original criminal action.

Article 46. The provisions of Paragraph 2 and 3, Article 86, and Article 141-2 of the Election Law of the Members of the House of Representatives shall be

[illegible]

modification to the case where the person mentioned in Paragraph 1, of the preceding Article or Article 44 has been sentenced to punishment, provided that the notification or sending as prescribed in Paragraph 2 or 3, Article 86 of the said Law shall be addressed to the National Election Management Commission and the Election Administration Commission of the Nation-wide Constituency Members of the House of Councillors or the National Election Management Commission and the President of the House of Councillors in case of the nationwide constituency members of the House of Councillors, and to the National Election Management Commission and the President of the House of Councillors in case of the members elected at the local constituency of the House

[illegible]

sion of trial has been fixed in the case where he has been sentenced punishment of fine on conviction of such offences prescribed on Articles 39 to 42, or during the time until he shall have undergone the execution of punishment after the decision of trial has been fixed or until he has been exempted from the execution of such punishment except for the case where the exemption has been made by the prescription, and for five (5) years more thereafter Provided in case probation has been sentenced, such period shall be from the day of the court decision to the day on which he shall have not to be required to undergo the execution of punishment any more

The court may, under the extenuating circumstances, sentence not to apply the provisions prescribed in the preceding paragraph that any person shall have neither the right to vote nor be eligible to be elected or to reduce such period, to the person prescribed in the same paragraph, at the time of the sentence of original punishment

Article 48 The crime prescribed in the present Chapter shall be expired by prescription due to the expiring of two (2) years

Chapter VIII Supplementary

Article 49 The report to be filed by the treasurer of a political party, association and other organization, the accountant of a candidate for public office or other person under Articles 12 to 14, Article 17, or under Article 18, or Articles 28, 31, 32 or Paragraph 2, Article 35 which are applicable with necessary modifications of the aforesaid Articles shall be accompanied by an affidavit swearing the authenticity of the Statement written in such report

Article 50 The documents to be filed under Articles 6, 7, or under Article 18, Article 19, Paragraphs 3 and 4, Art 21 or Article 22, Paragraphs 2 and 3, pertaining thereto and the reports under Articles 12 to 14, Article 17, or under Article 18, pertaining thereto, or Articles 28, 31 or 36 shall be deemed to have duly been filed when there were deposited with a post office by registered mail

Article 51 In case such is considered necessary in executing, this Law, the National Election Management Commission may direct and supervise the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency and the Metropolitan, Hokkaido and Prefectural Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency may direct and supervise the Prefectural Election Management Commission and the Prefectural Election Management Commission may direct and supervise the City, Town and Village Election Management Commission respectively. In case it is considered necessary to investigate the documents or reports which have been filed as provided for in this Law, the above-men- [illegible]

Election Management Commission, or the City, Town or Village Election Management Commission may ask the political organization, association, other organization, candidate for public office or those relative thereto, to submit the reports or materials, in case such is considered necessary in executing this Law

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Additional Rules

Article 55. This Law shall come into force on the day of its promulgation

Article 56. The political party association, and other organization and their branch offices which fall under Article 3 and which exist at the time of enforcement of this Law shall make a notification, as provided for in

Article 6 or Article 18 which shall be applied with necessary modifications, within thirty days from the enforcement of this Law.

In case the notification is made within the term, as provided for in preceding Paragraph, the contribution and payment received or made by the political organization, association and other organization or its branch office during the period from the day enforcement of this Law until the notification, as provided for in the preceding paragraph, shall be deemed to have been done after the notification as provided for in Article 8 or Article 18 which shall be applied with necessary modification.

Article 57. The law for the Election of Members of the House of Representatives shall be partially amended as follows:

Article 101 shall be deleted.

Article 101-2 to 101-4 shall be deleted.

The following shall be inserted after Article 104:

"5. Tax or fee imposed by the State or Local Public entity in connection with the election campaign".

Article 105-109 shall be deleted.

In Article 111 One Thousand (1,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 112, Twenty Thousand (20,-000) yen shall be read as Fifty Thousand (50,000) yen and in Paragraph 2, same Article, Thirty Thousand (30,-000) yen as Seventy-five Thousand (75,000) yen.

In Paragraph 1, Article 113, Thirty Thousand (30,000) yen shall be read as Seventy-five Thousand (75,000) yen and in Paragraph 2, same Article Forty Thousand (40,-000) yen to One Hundred Thousand (100,000) yen.

In Article 115. Thirty Thousand (30,000) yen shall be amended to Seventy-five Thousand (75,000) yen.

In Article 117, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 118, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, and in Paragraph 2, same Article Twenty Thousand (20,000) as Fifty Thousand (50,000) yen.

In Article 120, One Thousand (1,000) yen shall be read as Twenty-five Hundred (2,500) yen.

In Paragraph 1, Article 121, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Article 122, Twenty Thousand (20,000) shall be read as Fifty Thousand (50,000) yen.

In Article 124, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen.

In Article 125, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 126, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 127, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, in Paragraph 2, same Article Ten Thousand (10,000) yen as Twenty-five Thousand (25,000) yen and in Paragraph 3, 4, same Article, Twenty Thousand (20,000) yen as Fifty Thousand (50,000) yen.

In Article 128, One Thousand (1,000) yen shall be amended to Twenty-five Hundred (2,500) yen.

In Article 129, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 130, Three Thousand (3,000) yen shall be amended to Seventy-five Hundred (7,500) yen.

In Article 131, "Article 99, Paragraph 4, Article 101, Article 105, Article 106 or Article 109" shall be read as "or Article 99" and Three Thousand (3,000) yen as Seventy-five Hundred (7,500) yen.

In Paragraph 1, Article 132, "or Paragraph 4, Article 101 or Paragraph 5" shall be deleted, and One Thousand (1,000) yen be read as Twenty-five Hundred (2,500) yen, and Paragraph 2, same Article shall be deleted.

Article 134-135 shall be deleted.

Article 58. The Law for the Election of Members of the House of Councillors shall be partially amended as follows.

Article 77, Paragraphs 2 and 3 shall be deleted.

Article 78 shall be deleted.

Article 80 to 82 shall be deleted.

In Paragraph 1, Article 84, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen and in Paragraph 2, same Article, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

Article 85-86 shall be deleted.

In Article 87, "preceding 3 Articles" shall be read as "Article 84."

Article 59. With regard to the election, which was already conducted under the previous Law for the Election of members of the House of Representatives, the Law for the Election of Members of the House of Councillors or the Local Autonomy Law, or the election whose date was announced or noticed in accordance with the provisions of the laws above-mentioned, at the time of the enforcement of this Law, the previous provisions shall be applied, notwithstanding the preceding two articles.

The provisions of the preceding paragraph shall apply mutatis mutandis to the election to which the Chapter 12, of the Law for the election of Members of the House of Representatives is applied mutatis mutandis except the election, as provided for in the same paragraph.

THE BOARD OF EDUCATION LAW

(Law No 170, July 15, 1948)

Chapter I. General Provisions

(The Aims of this Law)

Article 1 This law aims at attaining the primary objectives of education by establishing the Board of Education so as to execute educational administration based upon the equitable popular will and befitting

Article 2. The organization and powers and duties of boards of education shall be provided for by this Law

(Establishment)

Article 3. Boards of education shall be established in metropolis, district and urban and rural prefectures, cities (including special wards herein and hereafter), towns and villages However, towns and villages, in case of necessity, may establish partial-affairs associations, in which boards of education may be installed

2. Necessary matters concerning the board of education of the partial-affairs association of the preceding paragraph may be provided for by the government ordinance

3 "Prefectural boards of education" referred to in this Law shall be those established in metropolis, district and urban and rural prefectures, and "Local boards of education" shall be those established in cities, towns and villages

(Functions)

Article 4 Boards of education shall take charge of and execute affairs concerning education, science and culture (hereafter referred to as education) that have hitherto been under the powers of prefectures and prefectural governors or cities, towns and villages, and mayors of cities, headmen of towns and villages (including those of special wards herein and hereafter), and educationl affairs that shall in future be under powers of local public bodies concerned and boards of education by law or government ordinance.

2 Higher educational institutions and private schools shall not be under the jurisdiction of boards of education, except as may otherwise be provided for by laws

(Responsibility for Expenses)

Article 5 The expenses necessary for the conduction of the business of the board of education shall be borne by the local public body concerned

(Subsidy for Expenses)

Article 6 The expense necessary for the conduction of the business of the board of education as well as those under their control may be subsidized by national treasury

Chapter II Organization of the Board of Education

Section 1 Members of Boards of Education

(Board Members)

Article 7. Prefectural boards of education shall consist of seven members, and local boards of education shall consist of five members

2. The board members of the preceding paragraph except those prescribed in paragraph 3 shall be elected by the inhabitants of a prefecture or city, town or village who are citizens of Japan

3 One member of each board of education shall be elected by and from the assembly of the local public body concerned.

(Term of Office)

Article 8 The term of office of the board members by popular vote shall be four years, and half of the members shall be elected every two years However, the members filling vacancies shall remain in office for the remaining term of office of their predecessors

2 The term of office provided for in the preceding paragraph shall start from the day of the ordinary election of members of the board of education

3 The term of office of the member elected by and from the assembly shall be his term of office as assemblyman

(Election)

Article 9 Those having the suffrage or eligibility for members of the prefectural assembly or city, town or village assembly shall have the suffrage or eligibility for members of the prefectural or local board of education

Article 10 Diet members, members of assemblies of local public bodies (excluding the members prescribed in paragraph 3 of Article 7), national public officials and paid employees of local public bodies cannot concurrently be members of any board of education

2 Members of prefectural board of education cannot concurrently be members of local board of education

Article 11 Ordinary elections shall be held every two years, concerning half of the fixed number of the

Article 6 or Article 18 which shall be applied with necessary modifications, within thirty days from the enforcement of this Law.

In case the notification is made within the term, as provided for in preceding Paragraph, the contribution and payment received or made by the political organization, association and other organization or its branch office during the period from the day enforcement of this Law until the notification, as provided for in the preceding paragraph, shall be deemed to have been done after the notification as provided for in Article 8 or Article 18 which shall be applied with necessary modification.

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The provisions of the preceding paragraph shall apply mutatis mutandis to the election to which the Chapter 12, of the Law for the election of Members of the House of Representatives is applied mutatis mutandis except the election, as provided for in the same paragraph.

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2 Necessary matters concerning the board of education of the partial-affairs association of the preceding paragraph may be provided for by the government ordinance

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Chapter II Organization of the Board of Education

Section 1. Members of Boards of Education

(Board Members)

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2 The board members of the preceding paragraph except those prescribed in paragraph 3 shall be elected by the inhabitants of a prefecture or city, town or village who are citizens of Japan

3. One member of each board of education shall be elected by and from the assembly of the local public body concerned.

(Term of Office)

Article 8 The term of office of the board members by popular vote shall be four years, and half of the members shall be elected every two years However, the members filling vacancies shall remain in office for the remaining term of office of their predecessors

2. The term of office provided for in the preceding paragraph shall start from the day of the ordinary election of members of the board of education.

3 The term of office of the member elected by and from the assembly shall be his term of office as assemblyman

(Election)

Article 9. Those having the suffrage or eligibility for members of the prefectural assembly or city, town or village assembly shall have the suffrage or eligibility for members of the prefectural or local board of education

Article 10. Diet members, members of assemblies of local public bodies (excluding the members prescribed in paragraph 3 of Article 7), national public officials and paid employees of local public bodies cannot concurrently be members of any board of education.

2. Members of prefectural board of education cannot concurrently be members of local board of education

Article 11. Ordinary elections shall be held every two years, concerning half of the fixed number of the

elected members of boards

Article 12. With respect to the election of members of the board of education, there shall be no division of electoral districts.

Article 13. Affairs concerning the election of members of the board of education shall be administered by the election administrative committee of the local public body concerned.

Article 14. Election of members of prefectural boards and election of local boards of education may be held simultaneously.

Article 15. Election of members of prefectural and local boards of education shall be held in accordance with the electors' lists concerning the election of members of city, town or village assemblies.

Article 16. A candidate for membership in a board of education shall have to be recommended by electors.

2. The above recommendation, after electors get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of electors numbering not less than sixty with their joint signatures.

Article 17. Those who have the eligibility for membership cannot be candidates for two boards of education at the same time.

Article 18. The report of candidate for membership in a board of education shall require no deposit money.

Article 19. At the election of board members, those candidates who have obtained the greatest number of effective votes shall be decided as elected members.

2. In case an equality of votes is found to exist, the presiding officer of election shall determine the elected person by drawing lots at an election meeting.

Article 20. When a joint election for members with different term of office is held, elected members with longer term of office shall be selected from those who have obtained the greater number of votes.

2. In case it is necessary to decide on the length of term of office among those who have obtained the same number of votes, the presiding officer of election shall decide it by drawing lots at an election meeting.

Article 21. In case an elected member declines to be elected, or happens to be dead or fails to be elected according to the provision of Article 57 of the Local Autonomy Law, (Law No. 67, 1947), an election [illegible] shall be held [illegible] in order to de[illegible] the elected member fro[illegible] those who ha[illegible] elected in the order [illegible] of votes they [obtained]

2. In case the cas[illegible] for in item[s] [4] to 7 of paragraph 1 of [illegible] Local Au[tonomy] Law or vacancies take [illegible] time li[illegible] provided in paragraph [illegible] of the Autonomy Law, an elec[illegible] [sha]ll be h[eld in] order to decide elected m[illegible] the[illegible] failed to be elected in the [illegible] have obtained. Or in case the above cases take place after the above time limit and besides there are those who are applicable under paragraph 2 of Article 19, an election meeting shall be held in order to decide elected members from among such people.

Article 22. When a joint election for members with different term of office is held, and at the same time the provision of Article 58 of the Local Autonomy Law concerning the election of the assemblies of ordinary local public bodies is applicable, presiding officers of elections shall decide by drawing lots at an election meeting as to which candidates shall be decided as elected members with longer term of office.

Article 23. In case the cases as provided for in items from 1 to 3 of paragraph 1 of Article 62 of the Local Autonomy Law take place or in case the cases as provided for in items from 4 to 7 of the same article or vacancies take place before the time limit as provided in item 1 of Article 60 of Local Autonomy Law, and at the same time it is impossible to decide elected members without holding further election, further election shall be held.

Article 24. In case the cases as provided for in items 4 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place after the time limit as provided for in paragraph 1 of Article 60 of the Local Autonomy Law, and at the same time it is impossible to decide elected members, the board of education concerned shall appoint recruiting members immediately from among those who have the eligibility for members.

2. The tenure of office of recruiting members shall be one day before the date of next ordinary election, and with regard to the vacancies owing to the completion of the tenure of office of the above members, the election to fill the vacancies shall be held simultaneously with the next ordinary election.

Article 25. When all the members except those elected by the assemblies become vacant after elapsing the time limit of paragraph 1 of Article 60 of the Local Autonomy Law, an election to fill the vacancies shall be held notwithstanding the provision of paragraph 1 of the preceding article.

2. In case the cases as provided for in the preceding paragraph take place within six months before the next ordinary election, the paragraph 1 of the preceding article shall be applied notwithstanding the provision of the preceding paragraph.

Article 26. In case where a vacan[cy] [illegible] the position for a [me]mber in accordance with the provision of the paragra[ph] [illegible] of Article 7, the assembly shall elect a member [illegible] as provided [illegible]

Article 2[illegible]

[illegible]

to that of election of prefectural board-members However, "electoral administration committee of the metropolitan assemblymen" or "electoral administration committee of the district and prefectural assemblymen" [illegible]

Representatives (Law No 47, 1925) shall be read as "electoral administration committee of the local public body concerned," so far as the election for local board members is concerned

Article 28 Concerning the election of the members of the board of education, the provisions concerning the election of members of the assemblies of the ordinary local public bodies as provided for in the Local Autonomy Law shall be applied mutatis mutandis, unless otherwise provided for by this Law or in the government ordinances based upon this Law

(Recall of Board Member)

Article 29 Those having the suffrage for members of a board of education may request the dismissal of its members

2 The request for dismissal of the preceding paragraph shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law

(Resignation and Determination of Qualification of Board Members)

Article 30 Concerning the resignation and the determination of qualifications of board members, the provisions of the Section 8 of Chapter 6 of the Local Autonomy [illegible]

(Remunerations and reimbursement for Expenses of the Board Members)

Article 31 The local public bodies shall pay remuneration to the members of the board concerned, but shall pay no salary

2 The members of the board shall be entitled to the reimbursement of expenses required for the execution of their functions

3 The amount of remuneration and reimbursement for expenses and their method of payment shall be ordained by the by-law of the local public bodies concerned

(Performance of Duty, etc of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members hall be ordained by the other law which provides concerning the officials of local public bodies

Section 2. Meetings of Boards of Education

(Chairman and Vice-chairman)

Article 33 The board of education shall elect a chairman and a vice-chairman from among its mmebers respectively.

2 The tenure of office of the chairman and the vice-chairman shall be one year, but they may be re-elected

3 The chairman shall preside over the meetings of the board of education

4 The vice-chairman shall assist the chairman or act in his place in case the chairman is unable to discharge his functions, or in case the chairmanship becomes vacant

(Convocation of the Meetings)

Article 34 Chairman of the board of education shall convene its session

2 Chairman shall have to convene the extraordinary session when two or more members shall request in writing its convocation by designating the matter to be referred to

3 Chairman shall have to announce the place and the convocation date of the meeting and the matters to be referred to the session

4 The convocation shall be announced at least seven days before the date of the meeting for the prefectural board of education and three days before for the local board of education However, this shall not apply in case an emergency should arise

(The Ordinary and Extraordinary Session)

Article 35 The meetings of the board of education shall be the ordinary and the extraordinary session

2 The ordinary session shall be convened once in every month

3 In case an emergency problem should arise, the extraordinary session shall be convened, only referring to that particular problem

4 In case an emergency problem should arise after the date of session has been announced, it may be referred to the session immediately, notwithstanding the provision of paragraph 3 of the preceding article and the preceding paragraph of this Article

(Quorum of Meetings)

Article 36 Board of education shall not be able to continue its meeting unless a majority of its members in actual service are present, except when twice repeated convocations regarding the same business fail to get a majority of its members in actual service

(Meetings Being Open to the Public)

Article 37 The meetings of the board of education shall be open to the public However, a secret meeting may be held when on the motion of a member, members present have decided to that effect by a majority of more than two-thirds

elected members of boards.

Article 12. With respect to the election of members of the board of education, there shall be no division of electoral districts.

Article 13. Affairs concerning the election of members of the board of education shall be administered by the election administrative committee of the local public body concerned.

Article 14. Election of members of prefectural boards and election of local boards of education may be held simultaneously.

Article 15. Election of members of prefectural and local boards of education shall be held in accordance with the electors' lists concerning the election of members of city, town or village assemblies.

Article 16. A candidate for membership in a board of education shall have to be recommended by electors.

2. The above recommendation, after electors get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of electors numbering not less than sixty with their joint signatures.

Article 17. Those who have the eligibility for membership cannot be candidates for two boards of education at the same time.

Article 18. The report of candidate for membership in a board of education shall require no deposit money.

Article 19. At the election of board members, those candidates who have obtained the greatest number of effective votes shall be decided as elected members.

2. In case an equality of votes is found to exist, the presiding officer of election shall determine the elected person by drawing lots at an election meeting.

Article 20. When a joint election for members with different term of office is held, elected members with longer term of office shall be selected from those who have obtained the greater number of votes.

2. In case it is necessary to decide on the length of term of office among those who have obtained the same number of votes, the presiding officer of election shall decide it by drawing lots at an election meeting.

Article 21. In case an elected member declines to be elected, or happens to be dead or fails to be elected according to the provision of Article 57 of the Local Autonomy Law, (Law No. 67, 1947), an election meeting shall be held immediately in order to determine the elected number from among those who failed to be elected in the order of number of votes they have obtained.

2. In case the cases as provided for in items from 5 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place before the time limit as prescribed in paragraph 1 of Article 60 of the Local Autonomy Law, an election meeting shall be held in order to decide elected members from among those who failed to be elected in the order of number of votes they have obtained. Or in case the above cases take place after the above time limit and besides there are those who are applicable under paragraph 2 of Article 19, an election meeting shall be held in order to decide elected members from among such people.

Article 22. When a joint election for members with different term of office is held, and at the same time the provision of Article 58 of the Local Autonomy Law concerning the election of the assemblies of ordinary local public bodies is applicable, presiding officers of election shall decide by drawing lots at an election meeting as to which candidates shall be decided as elected members with longer term of office.

Article 23. In case the cases as provided for in items from 1 to 3 of paragraph 1 of Article 62 of the Local Autonomy Law take place or in case the cases as provided for in items from 4 to 7 of the same article or vacancies take place before the time limit as provided in item 1 of Article 60 of Local Autonomy Law, and at the same time it is impossible to decide elected members without holding further election, further election shall be held.

Article 24. In case the cases as provided for in items 4 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place after the time limit as provided for in paragraph 1 of Article 60 of the Local Autonomy Law, and at the same time it is impossible to decide elected members, the board of education concerned shall appoint recruiting members immediately from among those who have the eligibility for members.

2. The tenure of office of recruiting members shall be one day before the date of next ordinary election, and with regard to the vacancies owing to the completion of the tenure of office of the above members, the election to fill the vacancies shall be held simultaneously with the next ordinary election.

Article 25. When all the members except those elected by the assemblies become vacant after elapsing the time limit of paragraph 1 of Article 60 of the Local Autonomy Law, an election to fill the vacancies shall be held notwithstanding the provision of paragraph 1 of the preceding article.

2. In case the cases as provided for in the preceding paragraph take place within six months before the next ordinary election, the paragraph 1 of the preceding article shall be applied notwithstanding the provision of the preceding paragraph.

Article 26. In case where a vacancy occurs in the position for a member in accordance with the provision of the paragraph 3 of Article 7, the assembly, shall elect a member to fill the vacancy as soon as possible.

Article 27. The provision of election campaign in the election of prefectural governors as provided for in paragraph 1 of Article 72 of the Local Autonomy Law shall apply correspondingly to the election campaign in the election of board-members and the provision of paragraph 3 of the same article shall apply correspondingly

to that of election of prefectural board-members However, "electoral administration committee of the metro- [illegible]

of Election concerning the Members of the House of Representatives (Law No 47, 1925) shall be read as "electoral administration committee of the local public body concerned," so far as the election for local board members is concerned.

Article 28 Concerning the election of the members of the board of education, the provisions concerning the election of members of the assemblies of the ordinary local public bodies as provided for in the Local Autonomy Law shall be applied mutatis mutandis, unless otherwise provided for by this Law or in the government ordinances based upon this Law

(Recall of Board Member)

Article 29 Those having the suffrage for members of a board of education may request the dismissal of its members

2 The request for dismissal of the preceding paragraph shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law

(Resignation and Determination of Qualification of Board Members)

Article 30 Concerning the resignation and the determination of qualifications of board members, the provisions of the Section 8 of Chapter 6 of the Local Autonomy Law (except the provision of the proviso of Article 126) shall be applied correspondingly However, "the assemblies of ordinary local public bodies" shall be read as "the boards of education," and "the assembly members" shall be read as "the board members"

(Remunerations and reimbursement for Expenses of the Board Members)

Article 31 The local public bodies shall pay remuneration to the members of the board concerned, but shall pay no salary

2. The members of the board shall be entitled to the reimbursement of expenses required for the execution of their functions

3 The amount of remuneration and reimbursement for expenses and their method of payment shall be ordained by the by-law of the local public bodies concerned

(Performance of Duty, etc of Board Members)

Article 32 Matters concerning the oath, duty to obey laws and the performance on duty of board members hall be ordained by the other law which provides concerning the officials of local public bodies

Section 2 Meetings of Boards of Education

(Chairman and Vice-chairman)

Article 33 The board of education shall elect a chairman and a vice-chairman from among its mmebers respectively

2 The tenure of office of the chairman and the vice-chairman shall be one year, but they may be re-elected

3 The chairman shall preside over the meetings of *the board of education*

4 The vice-chairman shall assist the chairman or act in his place in case the chairman is unable to discharge his functions, or in case the chairmanship becomes vacant

(Convocation of the Meetings)

Article 34 Chairman of the board of education shall convene its session

2 Chairman shall have to convene the extraordinary session when two or more members shall request in writing its convocation by designating the matter to be referred to

3 Chairman shall have to announce the place and the convocation date of the meeting and the matters to be referred to the session

4 The convocation shall be announced at least seven days before the date of the meeting for the prefectural board of education and three days before for the local board of education However, this shall not apply in case an emergency should arise

(The Ordinary and Extraordinary Session)

Article 35 The meetings of the board of education shall be the ordinary and the extraordinary session

2 The ordinary session shall be convened once in every month

3 In case an emergency problem should arise, the extraordinary session shall be convened, only referring to that particular problem

4 In case an emergency problem should arise after the date of session has been announced, it may be referred to the session immediately, notwithstanding the provision of paragraph 3 of the preceding article and the preceding paragraph of this Article

(Quorum of Meetings)

Article 36 Board of education shall not be able to continue its meeting unless a majority of its members in actual service are present, except when twice repeated convocations regarding the same business fail to get a majority of its members in actual service.

(Meetings Being Open to the Public)

Article 37 The meetings of the board of education shall be open to the public However, a secret meeting may be held when on the motion of a member, members present have decided to that effect by a majority of more than two-thirds

The motion of a member of the preceding paragraph shall be voted without discussion.

(Method of Resolution)

Article 38. The precedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

Article 39. Members of the board of education shall not participate in proceedings with regard to personal affairs of themselves, of their spouses or of their relatives within the third degree. But they may attend the meetings and speak.

(Council Rules)

Article 40. Board of education shall have to establish council rules and Hearer's rules.

2. Matters concerning the meeting of the board may be prescribed by council rules unless otherwise provided for in this Law.

Section 3. Superintendents of Education and Secretariats

(Superintendent of Education)

Article 41. Board of education shall have a superintendent of education.

2. The superintendent of education shall be appointed by the board of education from among those who have certificates for educational personnel as prescribed by the other law concerning the certification of educational personnel.

3. The term of office of the superintendent of education shall be four years. They may, however, be reappointed.

Article 42. The superintendent of education shall take charge of all the educational affairs managed by the board of education, subject to the guidance and control of the board of education.

(Secretariat)

Article 43. A secretariat shall be attached to the board of education in order to have it manage the business concerning the affairs under the jurisdiction of the said board.

(Departments or Sections of Secretariats)

Article 44. The secretariat of the prefectural board of education shall have necessary department or section (except those of accounting and public work) according to the rules ordained by the said board. However, the department or section concerning educational research and statistics and the department or section concerning educational guidance shall be installed.

2. The secretariat of the local board of education may have necessary department or section according to the rules ordained by the said board.

(Personnel of Secretariats)

Article 45. The secretariat of the prefectural board of education shall have teachers' consultants and technical experts concerning the approval or selection of textbooks, curriculum contents to be taught and their treatment, architecture and other necessary matters as well as other necessary secretarial staffs.

2. The secretariat of the local board of education may have necessay staffs corresponding to that of the prefectural boards.

3. The fixed number of the personnel as provided for in the preceding two paragraphs shall be ordained by the by-law of the local public bodies concerned.

4. The personnel of the paragraphs 1 and 2 as well as the secretarial officials of schools shall be appointed by the board on recommendation of the superintendent of education.

Article 46. Teachers' consultants shall give advice and assistance to teachers, but they shall issue no orders and exercise no control.

Article 47. Professional experts needed for approval or selection of text books, for matters concerning curriculum contents to be taught and their treatment and other special matters may be provided by using teachers. However, those teachers may temporarily be released from their regular duties during that period.

Chapter III. Powers and Duties of the Board

(Jurisdiction of Boards of Education)

Article 48. Prefectural boards of education shall have control over all schools and other educational institutions established by the prefectures concerned and local boards of education shall have control over all schools and other educational institutions established by the local public bodies concerned.

2. The boards of education concerned may, through their consultation, transfer the control of the upper secondary school established by prefectures to the cities, towns and villages, or of those established by cities, towns and villages to prefectures.

Article 49. The board of education shall take charge of the following matters. However, in such cases they may require the advice and recommendation from the superintendents of education.

(1) Matters concerning establishment and abolishment of schools and other educational institutions;

(2) Matters concerning operation and control of schools and other educational institutions;

(3) Matters concerning the curriculum contents to be taught and their treatment;

(4) Matters concerning selection of text books;

(5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provisions of the other law which shall

provide for concerning the employment and dismissal, etc of the educational public officials,

(6) Matters concerning the employment and dismissal and other personnel affairs of the staffs of the board of education and schools and other educational institutions,

(7) Matters concerning the labor union organized by teachers and other educational employees,

(8) Matters concerning the establishment and change of school site, and planning of repair and preservation of school and other buildings as well as supervision of execution of work of construction,

(9) Matters concerning the planning for arrangement of instructional materials and other equipments,

(10) Matters concerning the legislation, amendment and repeal of the regulations of the board of education,

(11) Matters concerning budgets of revenue and expenditure under the jurisdiction of the board of education,

(12) Matters concerning the control of basic property and reserve fund for educational purposes,

(13) Matters concerning contracts with other boards of education for educational affairs,

(14) Matters concerning social education,

(15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel;

(16) Keeping certificates and official documents,

(17) Matters concerning investigations and statistics concerning education,

(18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law

Article 50 The prefectural board of education shall take charge of the following matters in addition to the affairs as provided for in each item of the preceding Article However, in such cases they may require the advice and recommendation from the superintendent of education

(1) Issuing certificates of educational employees in accordance with the provisions of the other law concerning the certification of educational personnel,

(2) Approving text books for all schools within the prefecture concerned in accordance with the standards established by the Minister of Education,

(3) Giving technical and professional advice and assistance to the local board of education,

(4) Matters concerning establishment or revision of the attendance district of upper secondary schools,

(5) Any other matters belonging to its control provided for by laws and regulations

Article 51. The local boards of education within a prefecture and the prefectural board of education may establish a council in order to decide personnel affairs such as appointment and dismissal and allowances of principals and teachers and other common necessary matters.

2 The resolution of the council of the preceding paragraph shall be unanimous

3 Necessary matters concerning the council shall be established by the consultation of the boards of education concerned

Article 52 So far as boards of education of special wards are concerned, the provisions of items 3 and 4 of paragraph 1 of Article 49 shall not apply, and instead the metropolitan board of education shall dispose of those matters

(The Regulations of the Board of Education)

Article 53 The board of education may legislate the regulations of the board of education concerning the affairs under their control, as long as such regulations are not contrary to the laws and ordinances

2 The regulations of the board of education shall be publicly announced in conformity to a stated form of public notice

(Establishment of Attendance Districts)

Article 54 Prefectural board of education shall divide the prefecture into several attendance districts for the purpose of promoting propagation and equalizing opportunity of upper secondary education However, the prefectural board of education may coordinate the attendance of pupils in case of necessity

(Submission of Reports)

Article 55 The prefectural board of education may require the local boards of education to submit annual reports and other necessary reports concerning education under its jurisdiction The Minister of Education may require the same to the prefectural or local boards of education.

2 The Minister of Education shall have no administrative nor operational control over prefectural, or local board of education and prefectural board of education shall have no administrative nor operational control over local boards of education except otherwise provided for by law.

(Preparation of Budget)

Article 56 The board of education shall prepare documents concerning the estimates of revenues and expenditures under its control every fiscal year, and transmit the documents to the chief of the local public body concerned for the unification and coordination of all costs of the government of the local public body concerned

Article 57. The chief of the local body shall have to request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 58 The chief of local public body when he

has reduced the estimated expenditure prepared by the board of education shall mention the particulars of the said estimated expenditures in the revenue and expenditure budget, and at the same time he shall specify the necessary sources of revenue when the assembly of the local public body intends to revise the expenditures concerning the board of education.

(Execution of Budget)

Article 59. When the budget is approved by the local assembly, the chief of the local public body shall allocate the budget under control of the board of education to the board concerned.

Article 60. The board of education shall issue order to the chief accountant or treasurer to expend money within the limits of allocation concerning the budget under its jurisdiction.

(Matters to be subjected to the Approval of the Assembly)

Article 61. The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of all the matters which are to be subjected to the approval of the assembly concerned by law and regulation.

(1) Matters concerning the establishment, control and disposal of basic property and reserve fund for educational purposes;

(2) Matters concerning local bonds for educational purposes;

(3) Matters concerning tuition and other educational rental rates and charges;

(4) Matters concerning legislation, revision and repeal of the by-law as provided for in paragraph 2 of Article 31, paragraph 3 of Article 45 and paragraph 2 of Article 66.

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring it to the resolution of the assembly concerned, he shall require the opinion of the board of education beforehand.

Article 63. When the chief of the local public body has revised the draft transmitted by the board of education, he shall attach to his measure the original draft transmitted to him from the board of education and its opinion concerning it.

(Execution of Business as Proxy on the Part of Board of Education and Superintendents)

Article 64. In case when all the members are vacant and the provision of paragraph 2 of Article 25 cannot be applied, the superintendent of education shall execute the business of the board as proxy.

2. The disposition according to the provision of the preceding paragraph shall be reported by the superintendent of education to the board of education at the next meeting.

Article 65. In case all the members of a prefectural board become vacant, and, moreover, its superintendent of education becomes vacant, the Minister of Education shall appoint its deputy superintendent of the prefectural board concerned.

2. In case all the members of a local board become vacant, and, moreover, its superintendent of education becomes vacant, the prefectural board of education shall appoint its deputy superintendent of the local board concerned.

3. In the case of the preceding paragraph, and, moreover, in case all the board members become vacant, the superintendent of the prefectural board shall appoint the deputy superintendent of the preceding paragraph.

4. The deputy superintendents of the paragraphs 1 and 2 shall remain in office until the first coming meeting of the board concerned.

Chapter IV. Miscellaneous

(Personnel of Schools and Other Educational Institutions)

Article 66. Principals, teachers and secretarial officials shall be installed in prefectures, cities, towns, and villages.

2. The fixed number of principals, teachers and secretarial officials of schools shall be decided by the by-law of the local public body concerned unless otherwise provided for by laws and government ordinances.

3. Status of principals and teachers shall be provided for in the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials except otherwise provided for in this Law.

4. Necessary secretarial officials shall be installed in educational institutions other than schools under the control of the board of education.

(Treatment of Status of Educational Public Officials)

Article 67. Of all the educational personnel appointed by the boards of education, the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials shall provide for concerning the treatment of status of such personnel (except principals and teachers) as are required of the certificates of educational personnel ordained by the other law concerning the certification of the educational personnel, except otherwise ordained in this Law.

2. The other law concerning the personnel of local public bodies shall apply mutatis mutandis, concerning the treatments of status of the personnel other than those provided for in the preceding paragraph and secretarial officials of schools.

(Allowances of Personnel)

Article 68 Concerning the allowance of the per-
onnel as provided for in the preceding two articles the rovisions concerning the allowance of the personnel who are the auxiliary organs of the chief of the local public body as provided for in Chapter 8 of the Local Autonomy Law shall be applied correspondingly

Supplementary Provisions

Article 69 This Law shall be enforced on and from he day of proclamation However, the provision of rticle 94 shall be enforced on and from November 1, 948

Article 70 The boards of education of cities, towns nd villages except Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be hereafter eferred to as the Five Big Cities) shall be established by November 1, 1950 However, the necessary matters oncerning their establishment may be ordained by govrnment ordinances

Article 71 During the period between the enforceent of this Law and the formation of the boards of eduation for prefectures and the Five Big Cities, the busiess which is to be taken charge of by the boards of ducation by this Law shall be taken charge of by each orresponding agency as heretofore respectively

Article 72 The first election of the members of oards of education for prefectures and the Five Big Cities that will be held under this Law shall take place n October 5, 1948, by combining the election of board nembers for four year term of office and those for two ear term of office into one election

2 In case when the election of the preceding paraaph has been held, the assemblies of prefectures and he Five Big Cities shall elect the members of paragraph of Article 7, the result of which shall be reported to refectural governors or mayors concerned respectively vithin 20 days

Article 73 In case when the election of paragraph 1 f the preceding Article has taken place, prefectural govrnors or mayors of the Five Big Cities shall convene the neeting of the boards of education within 20 days

2 The boards of education of prefectures and the Five Big Cities shall be considered as coming into existence on November 1, 1948

Article 74. In case when the boards of education have ome into existence, the business as prescribed in Article shall be transferred to the boards of education conerned within 30 days from the date of their coming into xistence in the case of prefectural governors and within 0 days from the above date in the case of mayors of the Five Big Cities

Article 75 In the case of transfer of business as precribed in the preceding Article, the prefectural goverors or the Five Big Cities mayors shall prepare the locuments, accounting books and catalogues of property, nd shall describe the order and methods of disposal as [illegible] yet started matters or those to be planned in future

Article 76 Except those provided for in the preceding two articles, the transfer of business of the boards of education according to Article 74 shall be based on the provisions of transfer of business of chiefs of the ordinary local public bodies as are provided for in Section 1 of Chapter 4 of the Regulations concerning the Enforcement of the Local Autonomy Law (Government Ordinance No 16, 1947)

Article 77 Those who are in the positions of chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities shall be considered as being appointed as superintendents of education or staffs of the secretariats respectively with the same classes and salaries as the present salaries and classes on November 1, 1948

2 The term of office of the superintendents of education in the preceding paragraph shall be up to March 31, 1949

Article 78 The boards of education shall appoint the superintendents of education from among those who have qualifications as otherwise provided for in a government ordinance, notwithstanding the provision of Article 41, up until the other law concerning the certification of educational personnel is ordained

2 For the time being, in case when such qualified persons are not available as prescribed in Article 41 and the preceding paragraph, the boards of education may appoint the superintendents of education from among those who have no such qualifications

3 The term of office of the superintendents of education of the preceding paragraph shall be one year

[illegible]

Article 80 The fixed number of the principals, teachers and secretarial officials of public schools in accordance with the discrimination of classes at the date of the enforcement of this Law shall be based upon the fixed number of the local instructors or local secretarial offi- [illegible]

Schools, the Primary Schools and the Kindergartens (Government Ordinance No 20, 1948)

2 The fixed number [illegible]

has reduced the estimated expenditure prepared by the board of education shall mention the particulars of the said estimated expenditures in the revenue and expenditure budget, and at the same time he shall specify the necessary sources of revenue when the assembly of the local public body intends to revise the expenditures concerning the board of education.

(Execution of Budget)

Article 59. When the budget is approved by the local assembly, the chief of the local public body shall allocate the budget under control of the board of education to the board concerned.

Article 60. The board of education shall issue order to the chief accountant or treasurer to expend money within the limits of allocation concerning the budget under its jurisdiction.

(Matters to be subjected to the Approval of the Assembly)

Article 61. The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of all the matters which are to be subjected to the approval of the assembly concerned by law and regulation.

(1) Matters concerning the establishment, control and disposal of basic property and reserve fund for educational purposes;

(2) Matters concerning local bonds for educational purposes;

(3) Matters concerning tuition and other educational rental rates and charges;

(4) Matters concerning legislation, revision and repeal of the by-law as provided for in paragraph 2 of Article 31, paragraph 3 of Article 45 and paragraph 2 of Article 66.

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring it to the resolution of the assembly concerned, he shall require the opinion of the board of education beforehand.

Article 63. When the chief of the local public body has revised the draft transmitted by the board of education, he shall attach to his measure the original draft transmitted to him from the board of education and its opinion concerning it.

(Execution of Business as Proxy on the Part of Board of Education and Superintendents)

Article 64. In case when all the members are vacant and the provision of paragraph 2 of Article 25 cannot be applied, the superintendent of education shall execute the business of the board as proxy.

2. The disposition according to the provision of the preceding paragraph shall be reported by the superintendent of education to the board of education at the next meeting.

Article 65. In case all the members of a prefectural board become vacant, and, moreover, its superintendent of education becomes vacant, the Minister of Education shall appoint its deputy superintendent of the prefectural board concerned.

2. In case all the members of a local board become vacant, and, moreover, its superintendent of education becomes vacant, the prefectural board of education shall appoint its deputy superintendent of the local board concerned.

3. In the case of the preceding paragraph, and, moreover, in case all the board members become vacant, the superintendent of the prefectural board shall appoint the deputy superintendent of the preceding paragraph.

4. The deputy superintendents of the paragraphs 1 and 2 shall remain in office until the first coming meeting of the board concerned.

Chapter IV. Miscellaneous

(Personnel of Schools and Other Educational Institutions)

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2. The fixed number of principals, teachers and secretarial officials of schools shall be decided by the by-law of the local public body concerned unless otherwise provided for by laws and government ordinances.

3. Status of principals and teachers shall be provided for in the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials except otherwise provided for in this Law.

4. Necessary secretarial officials shall be installed in educational institutions other than schools under the control of the board of education.

(Treatment of Status of Educational Public Officials)

Article 67. Of all the educational personnel appointed by the boards of education, the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials shall provide for concerning the treatment of status of such personnel (except principals and teachers) as are required of the certificates of educational personnel ordained by the other law concerning the certification of the educational personnel, except otherwise ordained in this Law.

2. The other law concerning the personnel of local public bodies shall apply mutatis mutandis, concerning the treatments of status of the personnel other than those provided for in the preceding paragraph and secretarial officials of schools.

(Allowances of Personnel)

Article 68 Concerning the allowance of the personnel as provided for in the preceding two articles the provisions concerning the allowance of the personnel who are the auxiliary organs of the chief of the local public body as provided for in Chapter 8 of the Local Autonomy Law shall be applied correspondingly.

Supplementary Provisions

Article 69 This Law shall be enforced on and from the day of proclamation However, the provision of Article 94 shall be enforced on and from November 1, 1948

Article 70 The boards of education of cities, towns and villages except Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be hereafter referred to as the Five Big Cities) shall be established by November 1, 1950 However, the necessary matters concerning their establishment may be ordained by government ordinances

Article 71. During the period between the enforce- [illegible] education by this Law shall be taken charge of by each corresponding agency as heretofore respectively

Article 72 The first election of the members of boards of education for prefectures and the Five Big Cities that will be held under this Law shall take place on October 5, 1948, by combining the election of board members for four year term of office and those for two year term of office into one election

2 In case when the election of the preceding paragraph has been held, the assemblies of prefectures and the Five Big Cities shall elect the members of paragraph 3 of Article 7, the result of which shall be reported to prefectural governors or mayors concerned respectively within 20 days

Article 73 In case when the election of paragraph 1 of the preceding Article has taken place, prefectural governors or mayors of the Five Big Cities shall convene the meeting of the boards of education within 20 days

2 The boards of education of prefectures and the Five Big Cities shall be considered as coming into existence on November 1, 1948

Article 74. In case when the boards of education have come into existence, the business as prescribed in Article 4 shall be transferred to the boards of education concerned within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities.

Article 75 In the case of transfer of business as prescribed in the preceding Article, the prefectural governors or the Five Big Cities' mayors shall prepare the documents, accounting books and catalogues of property, and shall describe the order and methods of disposal as well as their opinions, concerning the undisposed or not-yet started matters or those to be planned in future

Article 76 Except those provided for in the preceding two articles, the transfer of business of the boards of education according to Article 74 shall be based on the provisions of transfer of business of chiefs of the ordinary local public bodies as are provided for in Section 1 of Chapter 4 of the Regulations concerning the Enforcement of the Local Autonomy Law (Government Ordinance No 16, 1947)

Article 77 Those who are in the positions of chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities shall be considered as being appointed as superintendents of education or staffs of the secretariats respectively with the same classes and salaries as the present salaries and classes on November 1, 1948

2 The term of office of the superintendents of education in the preceding paragraph shall be up to March 31, 1949

Article 78 The boards of education shall appoint the superintendents of education from among those who have qualifications as otherwise provided for in a government ordinance, notwithstanding the provision of Article 41, up until the other law concerning the certification of educational personnel is ordained

2 For the time being, in case when such qualified persons are not available as prescribed in Article 41 and the preceding paragraph, the boards of education may appoint the superintendents of education from among those who have no such qualifications

[illegible]

Article 80 The fixed number of the principals, teachers and secretarial officials of public schools in accordance with the discrimination of classes at the date of the enforcement of this Law shall be based upon the fixed number of the local instructors or local secretarial offi- [illegible] Ordinance concerning the Public Lower Secondary Schools, the Primary Schools and the Kindergartens (Government Ordinance No 20, 1948).

2 The fixed number of the preceding paragraph

shall be considered as ordained by the by-law in paragraph 2 of Article 66.

Article 81. Except those otherwise prescribed in this Law, the status treatment of the staffs such as position classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarantee, and performance on duty and other treatments as are provided for in Article 67, shall be based upon the provisions concerning the personnel who are the auxiliary organs of chiefs of prefectures or those of cities, towns and villages, up until the other law concerning the employment, dissmisal, etc., of the educational public officials and concerning the personnel of local public bodies is legislated. However, special provisions may be ordained by government ordinances.

Article 82. The to-date provisions concerning the local secretarial officials of public schools shall apply correspondingly, concerning the status treatments such as the position classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarantee, and performance on duty and other treatments of those who are secretarial officials of public schools and at the same time local secretarial officials, up until the other law concerning the personnel of local public bodies is legislated. However, special legislations may be ordained by government ordinances.

Article 83. Those who are secretarial officials of public schools and at the same time local secretarial officials at the enforcement of this Law shall be considered as employed as the secretarial officials of public schools concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the positions corresponding to the present positions consecutively, except otherwise provided for by this Law or by the Government ordinances based upon this Law or by other laws.

Article 84. In case when those who are secretarial officials of public schools and at the same time local secretarial officials become secretarial officials of public schools concerned consecutively at the enforcement of this Law, shall be considered as being in continuous service retaining the to-date status, so that the Pension Law (Law No. 48, 1923) shall be applied to them correspondingly. In case such persons become national public officials from secretarial officials of public schools concerned, the period of service as personnel of the local public bodies concerned shall be added up as years of service as public officials, so far as the application of the Pension Law is concerned.

Article 85. The higher educational institutions as provided for in Article 4 shall include, for the time being, the old-type Koto Gakko, preparatory colleges and teachers' training schools which continue to exist as the heretofore schools, in accordance with the provisions of Article 98 of the School Education Law (Law No. 26, 1947).

Article 86. The prefectural board of education shall select textbooks from among those which have been approved by the Minister of Education or those which have been published by the said Minister until the system of paper allotment is abolished, in spite of the provisions of item 4 of Article 49 and item 2 of Article 50.

Article 87. Up to the date when the boards of education are established in cities (to be referred to as excepting the Five Big Cities in this article), towns and villages, educational affairs of cities, towns and villages shall be taken charge of by the prefectural boards of education, except those which hitherto belonged to the powers and duties of cities, towns and villages or mayors of cities and headmen of towns and villages.

Article 88. The coming into existence of the boards of education in cities (except the Five Big Cities), towns and villages shall be the same as the case of the coming into existence of the boards of education of the Five Big Cities.

Article 89. The Law of the General Regulation concerning the Local School Affairs (Chiho Gakuji Tsusoku, Law No. 13, 1914) shall be abolished.

Article 90. The partial affairs association of cities, towns and villages established for the sake of educational affairs shall be called the school association of cities, towns or villages.

Article 91. The property of school ward (Gakku) as prescribed in the General Regulations concerning the Local School Affairs (Chiho Gakuji Tsusoku) shall be disposed of by December 31, 1948, in accordance with the provision of Article 4 of the said Law.

Article 92. A part of the Temporary Measures Law concerning Text-books, Publication (Law No. 132, 1948) shall be revised as follows:

"Prefectural governors" of paragraph 1 of Article 5, paragraphs 1, 2 of Article 6 and paragraphs 1, 2 of Article 7 shall be revised as "prefectural boards of education." "Principals of national schools" of Article 7 shall be revised as "the boards of education in cities, towns and villages and principals of national and private schools."

Article 93. A part of the School Education Law shall be revised as follows:

"After obtaining the resolutions of the assemblies concerned" of Article 29, 31, 32 and 74 shall be deleted.

"Public or" of Article 34 shall be deleted.

"Or towns and villages school associations" of Articles 30, 31 and 33 shall be deleted.

The following paragraph shall be added as the paragraph 2 of Article 106:

"The competent authority which approves in Article 4 and the competent authority of Article 14 shall be prefectural boards of education for the time being, con-

cerning the public primary schools, lower and upper secondary schools, schools for the blind, schools for the deaf, schools for the handicapped, and the kindergartens "

Article 107 shall read as follows "The controlling agencies of primary schools established by cities, towns and villages in this Law shall, for the time being, be mayors of cities or headmen of towns and villages in which boards of education are not installed "

Article 94. A part of the Local Autonomy Law shall [illegible]

[illegible]

ers, members of public safety committees of cities, towns and villages and boards of education "

Article 158 shall have the following paragraphs deleted

In Paragraph I

'4 Bureau of Education

(a) Matters concerning education, arts and science "

In Paragraph II

'3 Education Division

(a) Matters concerning education, arts and science."

Technical officials or educational officials" of paragraph 1 of Article 173 shall be revised as "or technical officials, and paragraph 4 of the same Article shall be deleted

Article 95 The treatment of status of principals and teachers shall remain as heretofore, notwithstanding the provisions of item 5 of Article 49 and paragraphs 1 and 3 of Article 66, up until the other law concerning the [illegible] pub- [illegible] provi- [illegible]

THE CIVIL CODE OF JAPAN

Book I
General Provisions

Contents

General Provisions

Article 1. All of the private rights conform to the public welfare. The exercise of rights and the performance of duties must be done truly with faithfulness. The abuse of rights is not recognized.

Article 1-2. This Code shall be construed from the standpoint of the individual dignity and the essential equality of the sexes.

Chapter I. Persons

Section I. Enjoyment of Private Rights

Article 1-3. The enjoyment of private rights commences at birth.

Article 2. Aliens enjoy private rights except in cases where it is prohibited by laws, ordinances or treaties.

Section II. Capacity

Article 3. Majority is attained on the completion of the twentieth year of age.

Article 4. A minor must obtain the consent of his legal representative for doing any juristic act, unless it is an act by which he is merely to acquire a right or to be relieved from a duty.

An act which is contrary to the provisions of the preceding paragraph may be avoided.

Article 5. A minor, who has been permitted by his legal representative to dispose of property for a purpose specified by the latter, may within the scope of such purpose dispose of it at his pleasure; he may do likewise in regard to property of which he has been permitted to dispose without any purpose being specified.

Article 6. A minor who has been permitted to carry on one or more kinds of business has the same capacity in relation to such business as a person of full age.

If, in the case contemplated in the preceding paragraph, there are facts showing that the minor is not yet capable of carrying on the business, his legal representative may, in accordance with the provisions of the Book on Relatives, revoke or restrict the permission.

Article 7. A person in a habitual condition of mental unsoundness may be adjudged incompetent by the Court of Domestic Relations on the application of the person himself, his spouse, any relative within the fourth degree of relationship, the guardian or the curator, or of a Public Procurator.

Article 8. A person adjudged incompetent shall be placed under guardianship.

Article 9. The acts of a person adjudged incompetent may be avoided.

Article 10. When the cause for incompetency has ceased to exist, the Court of Domestic Relations must on the application of any of the persons mentioned in Article 7 revoke the adjudication.

Article 11. Feebleminded, deaf, dumb or blind persons or spendthrifts may be adjudged quasi-incompetent and placed under curatorship.

Article 12. A person adjudged quasi-incompetent must obtain the consent of his curator for doing any of the acts mentioned below:

1. To receive or make use of capital;
2. To borrow money or become surety;
3. To do acts which have for their object the acquisition or the loss of rights relating to immovables or to movables of importance;
4. To undertake acts of procedure;
5. To make gifts, compromises or agreement for arbitration;
6. To accept or renounce a succession;
7. To refuse a gift or testamentary gift or to accept a gift or testamentary gift subject to a charge;

8 To undertake building, re-building or extension operations, or to effect extensive repairs,

9 To effect [illegible]

[illegible] circumstances, order that a person adjudged quasi-incompetent must obtain the consent of his curator even for acts which are not mentioned in the preceding paragraph

An act contrary to the provisions of the preceding two paragraphs may be avoided

Article 13 The provisions of Articles 7 and 10 shall apply with the necessary modifications to quasi-incompetency.

Articles 14 to 18 (Deleted)

Article 19 The other party to an act done by a person under disability may, after the latter has become a person of full capacity, give a peremptory notice to him to make a definite answer within a period fixed by him, which shall not be less than one month, as to whether he ratifies the voidable act or not If the person who was under disability fails to despatch a definite answer within such period, he shall be deemed to have ratified the act

The same shall apply in cases where a peremptory notice under the preceding paragraph has been given to a legal representative in respect of an act within the scope of his authority before the person under disability has become a person of full capacity but no definite answer has been despatched within such period

Any act for which special formalities are required shall be deemed to have been avoided, if notice that such formalities have been complied with is not despatched within such period

A peremptory notice may be given to a person adjudged quasi-incompetent or that the act be ratified within the period specified in paragraph 1 with the consent of the curator If the person adjudged quasi-incompetent does not despatch notice within such period that such consent has been obtained, the act shall be deemed to have been avoided

Article 20. If a person under disability has used fraudulent means to induce the belief that he is a person of full capacity, he cannot avoid his act

Section III Permanent Residence

Article 21. The base and centre of the life of each person shall be his permanent residence

Article 22 If the permanent residence is unknown, the place of residence shall be deemed to be the permanent residence

Article 23. The place of residence in Japan of a person having no permanent residence in Japan, whether he is a Japanese or an alien, shall be deemed to be his permanent residence, but this shall not apply in cases where, according to the provisions of the Law Concerning the Application of Laws, the law of his domicile is to govern.

Article 24 If, for the purpose of a certain act, a provisional residence has been chosen, that shall be deemed the permanent residence in relation to such act

Section IV Disappearance

Article 25 If a person has left his permanent residence or place of residence without appointing an administrator for his property, the Court of Domestic Relations may, on the application of any person interested or of a Public Procurator, order the adoption of such measures as may be necessary for the management of such property The same shall apply when the authority of an administrator has come to an end during the absence of his principal

If the principal subsequently appoints an administrator, the Court of Domestic Relations must annul its order on the application of such administrator or any person interested, or of a Public Procurator.

Article 26 If, in cases where an absentee has appointed an administrator, it is unknown whether such absentee is alive or dead, the Court of Domestic Relations may, on the application of any person interested or a Public Procurator, appoint another administrator in his stead

Article 27 An administrator appointed by the Court in accordance with the provisions of the preceding two Articles must prepare an inventory of the property he is to manage, but the expenses thereof are defrayed out of the property of the absentee

If, in cases where it is unknown whether an absentee is alive or dead, an application has been made by any person interested or by a Public Procurator, the Court of Domestic Relations may also order an administrator appointed by such absentee to proceed as provided in the preceding paragraph

In addition to the above, the Court of Domestic Relations may order an administrator to take such measures as it may deem necessary for the preservation of the property of an absentee

Article 28 If an administrator finds it necessary to do acts in excess of the powers specified in Article 103, he may do so on obtaining the permission of the Court of Domestic Relations The same shall apply in cases where an administrator finds it necessary to do acts in excess of the powers fixed by the absentee, when it is unknown whether such absentee is alive or dead

Article 29. The Court of Domestic Relations may require an administrator to furnish adequate security for the management and return of the property.

The Court of Domestic Relations may award the administrator reasonable remuneration out of the property of the absentee, having regard to the relations between the administrator and the absentee and to other circumstances

Article 30. If it has been unknown for seven years

whether an absentee is alive or dead, the Court of Domestic Relations may, on the application of any person interested, make a judicial declaration of disappearance.

The same shall apply to any person who has been at the seat of war, on board a vessel which has foundered, or who has met with any other peril which might have been the cause of death, if it has been unknown whether he is alive or dead for three years after the cessation of the war, the foundering of the vessel or the termination of the peril.

Article 31. A person against whom a judicial declaration of disappearance has been made shall be deemed to have died at the expiration of the periods specified in the preceding Article.

Article 32. If it has been proved that a person against whom a judicial declaration of disappearance has been made is alive or has died at a time different from that specified in the preceding Article, the Court of Domestic Relations must, on the application of the person himself or any person interested, annul the judicial declaration of disappearance; such annulment, however, shall not effect the validity of acts done in good faith after the judicial declaration of disappearance and previous to its annulment.

A person who has acquired property by reason of a judicial declaration of disappearance shall lose his rights by its annulment; he is, however, bound to return such property only to the extent that he is still enriched.

Chapter II. Juristic Persons

Section I. Formation of Juristic Persons

Article 33. No juristic person can come into existence otherwise than in accordance with the provisions of this Code or of other laws.

Article 34. Associations or foundations relating to worship, religion, charity, science, art or otherwise relating to public interests and not having the acquisition of gain for their object, may be incorporated by permission of the competent authorities.

Article 35. Associations which have for their object the acquisition of gain may be incorporated in accordance with the conditions prescribed for the formation of trading companies.

All the provisions relating to trading companies shall apply with the necessary modifications to the incorporated associations contemplated in the preceding paragraph.

Article 36. With the exception of States, administrative divisions of States and trading companies, the existence of foreign juristic persons shall not be recognized; but this shall not apply to such juristic persons as are recognized by laws or treaties.

Foreign juristic persons recognized in accordance with the provisions of the preceding paragraph shall enjoy the same private rights as those of the same classes of juristic persons formed in Japan; but this shall not apply to such rights as aliens cannot enjoy, nor to those in respect of which any different provisions are contained in laws or treaties.

Article 37. The founders of an incorporated association must make articles of incorporation in which they shall state the following particulars:

1. The object;
2. The name;
3. The office;
4. Provisions as to its property;
5. Provisions as to the appointment and removal of directors;
6. Provisions as to the acquisition and the loss of qualifications for membership.

Article 38. The articles of incorporation of an incorporated association may be altered only with the consent of three-fourths or more of all the members unless it is otherwise provided by the articles of incorporation.

No alteration of the articles of incorporation shall be effective unless it has been approved by the competent authorities.

Article 39. The founder of an incorporated foundation must, by an act of endowment having for its object the creation of such foundation, make provision for the particulars enumerated in Article 37, numbers 1 to 5.

Article 40. If the founder of an incorporated foundation has died without determining its name, its office or the method of the appointment and removal of its directors, the Court must, on the application of any person interested or of a Public Procurator, determine the same.

Article 41. If an act of endowment is effected by a disposition inter vivos, the provisions relating to gifts shall apply with the necessary modifications.

If an act of endowment is effected by will, the provisions relating to testamentary gifts shall apply with the necessary modifications.

Article 42. If an act of endowment has been effected by a disposition inter vivos, the property given by way of endowment shall constitute the property of the juristic person as from the time when the permission for its creation has been granted.

If an act of endowment has been effected by will, the property so given shall be deemed to have been vested in the juristic person as from the time when the will has become effective.

Article 43. A juristic person shall possess rights and assume duties subject to the provisions of laws and ordinances and within the scope of its objects as determined by the articles of incorporation or by the act of endowment.

Article 44. A juristic person is bound to repair any damage done to other persons by its directors or other representatives in the performance of their duties

If any damage has been done to other persons by an act which is not within the scope of the objects of a juristic person, those members and directors who have supported a resolution for such matter and the directors and other representatives who have carried it out shall be jointly and severally liable for the reparation of such damage

Article 45. A juristic person must, within two weeks from the date of its creation, effect registration at the seat of each of its offices

The creation of a juristic person cannot be set up against other persons until it has been registered at the seat of its principal office

If a new office has been established after the creation of a juristic person, it must be registered within one week

Article 46 The particulars to be registered are as follows.

1. The object,
2. The name,
3 The office,
4 The date of permission for creation,
5 The period of duration, if such period has been fixed,
6 The total amount of the property,
7. The method of effecting contributions if such method has been determined,
8. The full name and permanent residence of each director.

In cases where any alteration has occurred in any of the particulars mentioned in the preceding paragraph, registration thereof must be effected within one week, such alteration cannot, prior to its registration, be set up against other persons

Article 47 If any of the particulars to be registered in accordance with the provisions of Article 45, paragraph 1 and of the preceding Article, requires also the permission of the authorities, the period for registration shall be computed from the time of the arrival of the permit in question

Article 48 In cases where a juristic person has removed its office, the removal shall be registered at the former seat within one week, and the registration in accordance with Article 46, paragraph 1 shall be effected at the new seat within the same period

In cases where an office has been removed from one place to another within the jurisdiction of the same Registry, only the removal need be registered

Article 49. The provisions of Article 45, paragraph 3, Article 46, and the preceding Article shall also apply where a foreign juristic person has established an office in Japan; but with respect to matters which have taken place in a foreign country, the period for registration shall be computed from the time when notice thereof has arrived

When a foreign juristic person has established an office in Japan for the first time, other persons may deny the existence of such juristic person until registration has been effected where such office is situated

Article 50 The permanent establishment of a juristic person is at the seat of its principal office

Article 51 A juristic person must, at the time of its creation and within the first three months of each year, prepare an inventory and keep the same in its office at all times, but in cases where a special business term is provided, an inventory must be made at the time of such creation and at the end of such business term

An incorporated association must keep a list of members and revise it whenever an alteration takes place in its membership

Section II Administration of Juristic Persons

Article 52 A juristic person shall have one or more directors

In case there are two or more directors, the affairs of a juristic person shall be decided by a majority of the directors, unless it is otherwise provided by the articles of incorporation or the act of endowment

Article 53 The directors shall each represent the juristic person in all its affairs, but they must not contravene the provisions of the articles of incorporation or the purport of the act of endowment In the case of an incorporated association they must also comply with the resolutions of general meetings

Article 54 No restriction imposed upon the power of representation of any director can be set up against a third person acting in good faith

Article 55 Directors may delegate to other persons their power of representation for specified acts in those cases only where it is not forbidden by the articles of incorporation, by the act of endowment or by a resolu-

Article 57. Directors shall have no power of representation in respect of matters in which the interest of the juristic person and their own interest conflict In such cases a special representative shall be appointed in accordance with the provisions of the preceding Article.

Article 58 A juristic person may, by the articles of incorporation, by the act of endowment or by a resolution of a general meeting, constitute one or more persons as supervisors

Article 59 The duties of supervisors are as follows·

1. To supervise the state of the property of the juristic person,

2. To supervise the manner in which its affairs are administered by the directors;

3. To report to a general meeting or the competent authorities, if they discover any irregularities in the state of the property or the administration of affairs;

4. To convene a general meeting, if it is necessary to do so for making the report mentioned in the preceding head.

Article 60. The directors of an incorporated association must convene an ordinary general meeting of the members at least once a year.

Article 61. The directors of an incorporated association may convene an extraordinary general meeting whenever they deem it necessary to do so.

The directors shall convene an extraordinary general meeting, when a demand stating the matters forming the object of the meeting has been made by one-fifth or more of all the members; but this proportion may be increased or decreased by the articles of incorporation.

Article 62. The convening of a general meeting must be effected by indicating at least five days in advance the matters forming the object of the meeting and in conformity with the method provided by the articles of incorporation.

Article 63. All the affairs of an incorporated association, with the exception of those delegated by the articles of incorporation to the directors or other officers, shall be administered in accordance with the resolution of general meetings.

Article 64. Except as otherwise provided by the articles of incorporation, a resolution may be adopted at a general meeting only with regard to matters of which previous notice has been given in accordance with the provisions of Article 62.

Article 65. The vote of each member shall be of equal value.

Members who do not attend a general meeting may vote in writing or by proxy.

The provisions of the preceding two paragraphs shall not apply if it is otherwise provided by the articles of incorporation.

Article 66. In cases where a resolution is to be voted on concerning the relations between the incorporated association and one of its members, such member shall have no vote.

Article 67. The affairs of a juristic person are subject to the supervision of the competent authorities.

The competent authorities may of their own motion inspect at any time the state of the affairs and of the property of a juristic person.

Section III. Dissolution of Juristic Persons

Article 68. A juristic person shall be dissolved for any of the following causes:

1. The happening of any cause of dissolution specified in the articles of incorporation or the act of endowment;

2. The completion of the undertaking which forms the object of the juristic person or the impossibility of such completion;

3. Bankruptcy;

4. The annulment of the permission for creation.

In addition to the cases enumerated in the preceding paragraph, an incorporated association shall be dissolved for any of the following causes:

1. A resolution of a general meeting in that behalf;

2. Where no member remains.

Article 69. Unless otherwise provided by the articles of incorporation, an incorporated association cannot adopt a resolution for dissolution except with the concurrence of three-fourths or more of all the members.

Article 70. If a juristic person has become incapable of discharging its obligations in full, the Court shall, on the application of a director or of a creditor or of its own motion, make an adjudication of bankruptcy.

In the case of the preceding paragraph, the directors must immediately apply for an adjudication of bankruptcy.

Article 71. If a juristic person carries on undertaking which is outside the scope of its objects or contravenes the conditions under which permission for its creation was procured or otherwise commits acts which are likely to prejudice public interests, the competent authorities may annul such permission.

Article 72. The property of a juristic person which has been dissolved, devolves on the persons designated in the articles of incorporation or the act of endowment.

If no person on whom the property is to devolve is designated in the articles of incroporation or the act of endowment, or if the method by which such person is to be determined is not specified therein, the directors may, with the permission of the competent authorities, dispose of the property for objects similar to those of the juristic person; in the case of an incorporated association, however, a resolution of a general meeting is required.

Any property which is not disposed of in accordance with the provisions of the preceding two paragraphs shall devolve on the National Treasury.

Article 73. For the purposes of liquidation, a juristic person which has been dissolved shall be deemed to continue its existence until the liquidation has been completed.

Article 74. Where a juristic person has been dissolved, the directors shall become the liquidators except in the case of bankruptcy; but this shall not apply if the articles of incorporation or the act of endowment contains any contrary provisions, or if other persons have been appointed at a general meeting.

Article 75. If there exist no persons to become liquidators in accordance with the provisions of the preceding Article, or if there is an apprehension that damage will be sustained because of a vacancy among the liquidators, the Court may appoint liquidators on the application of

any person interested or of a Public Procurator or of its own motion.

Article 76 Where any grave reason exists, the Court *may remove a liquidator on the application of any person* interested or of a Public Procurator or of its own motion

Article 77 Except in the case of bankruptcy, liquidators must within one week of the dissolution, effect the registration of their full names, permanent residences, the cause and date of dissolution, and in all cases they must also make a report thereon to the competent authorities

Liquidators who have assumed office in the courts of the liquidation must, within one week of such assumption of office, effect the registration of their full names and permanent residences and also make a report thereon to the competent authorities

Article 78 The duties of liquidators are as follows

1. To wind up pending business,

2. To obtain performance of obligations and to perform them;

3. To distribute surplus assets

Liquidators may do all acts necessary for performing the duties specified in the preceding paragraph

Article 79 Liquidators must, within two months from the day on which they assumed office, give at least three public notices to creditors calling upon them to present their claims within a specified period which must not be less than two months

An additional statement must be included in the public notices mentioned in the preceding paragraph to the effect that the claims of creditors who do not present them within the period will be excluded from liquidation, but the liquidators cannot exclude creditors known to them

Liquidators must give separate peremptory notices to each creditor known to them to present his claim

Article 80 Creditors who have presented their claims after the expiration of the period specified in the preceding Article may claim against such property only as has not yet been delivered to the persons on whom the property is to devolve after the obligations of the juristic person have been fully satisfied

Article 81 When it has become clear in the course of liquidation that the assets of the juristic person are insufficient fully to satisfy its obligations, the liquidators *shall immediately apply for an adjudication of bank*ruptcy and give public notice thereof

The duties of the liquidators shall come to an end when they have handed over the affairs to the administrator in bankruptcy

If, in the case mentioned in this Article, anything has already been paid to creditors or delivered to any of the persons on whom the property is to devolve, the administrator in bankruptcy may demand it back

Article 82 The dissolution and liquidation of a juristic person are subject to the supervision of the Court

The Court of its own motion may conduct at any time any examination necessary for the purposes of the supervision mentioned in the preceding paragraph

Article 83 When the liquidation has been completed, the liquidators shall make a report thereon to the competent authorities

Section IV Penal Provisions

Article 84 Directors, supervisors and liquidators of a juristic person shall be liable to an administrative penalty of not less than five yen and not exceeding two hundred yen in any of the following cases

1 If they have neglected to effect any of the registrations prescribed in this Chapter,

2 If they have contravened the provisions of Article 51, or have made false statements in the inventory or in the list of the members,

3 If they have obstructed an examination by the competent authorities or the Court in the cases mentioned in Articles 67 and 82,

4 If they have made untrue statements to, or have concealed facts from, the authorities of a general meeting,

5 If, in contravention of the provisions of Articles 70 and 81, they have neglected to apply for an adjudication of bankruptcy,

6 If they have neglected to give any of the public notices prescribed in Articles 79 and 81, or have given a false public notice

Chapter III Things

Article 85 A thing within the meaning of this Code is a corporeal thing.

Article 86 Land and things firmly affixed thereto are immovables All other things are movables [illegible]

is an accessory

An accessory follows the disposition of the principal thing

Article 88 Products acquired from a thing in conformity with the use for which the thing is intended are natural fruits

Money and other things to be acquired as consideration for the use of a thing are legal fruits

Article 89 Natural fruits belong to the person who *has the right to acquire them at the time of their sever*ance from the principal thing

Legal fruits are acquired in proportion to the number of days during which the right to acquire them continues

Chapter IV. *Juristic Acts*

Section I. General Provisions

Article 90. A juristic act which has for its object such matters as are contrary to public policy or good morals is null and void.

Article 91. If the parties to a juristic act have declared any intention which differs from any provisions of laws or ordinances which are not concerned with public policy, such intention shall prevail.

Article 92. If, in cases where there is a custom which differs from any provisions of laws or ordinances which are not concerned with public policy, it is to be recognized that the parties to a juristic act have intended to conform to such custom, that custom shall prevail.

Section II. Declaration of Intention

Article 93. The validity of a declaration of intention shall not be affected by the fact that the declarant has made it knowing such declaration not to be his real intention; but such declaration of intention shall be void if the other party was aware, or should have been aware, of the real intention of the declarant.

Article 94. A fictitious declaration of intention made in collusion with the other party is null and void.

The nullity of a declaration of intention as mentioned in the preceding paragraph cannot be set up against a third person acting in good faith.

Article 95. A declaration of intention shall be void if made under a mistake in regard to any essential elements of the juristic act; but if there has been gross negligence on the part of the declarant, he cannot himself assert its nullity.

Article 96. A declaration of intention induced by fraud or duress may be avoided.

If a third person has been guilty of fraud in respect of a declaration of intention made to a person, such declaration of intention may be avoided only in cases where that other party was aware of the fact.

The avoidance of a declaration of intention induced by fraud cannot be set up against a third person acting in good faith.

Article 97. A declaration of intention made inter absentes shall be effective as from the time when notice thereof has reached the other party.

The validity of a declaration of intention shall not be affected even if the declarant dies or loses his capacity after he has despatched the notice.

Article 97-2. In case the declarant of intention is unable to know the other party or his whereabouts, such declaration may be made by means of publication.

The publication specified in the preceding paragraph, according to the provisions of the Code of Civil Procedure relating to the service of publication, shall be made on the notice board of the Court and the fact of having made such publication shall be made known at least once in the Official Gazette and newspapers. However, in case the Court recognizes its propriety, order may be given that such publication shall be made, instead of in the Official Gazette and newspapers, on the notice board of a city, town or village office, or any other similar establishment.

A declaration of intention by publication shall be deemed to have reached the other party at the time which marks the passage of two weeks reckoning from the date on which it last appeared in the Official Gazette and newspapers or publication on the notice board was commenced in substitution for press advertisement. However, the reaching of intention to the other party shall be devoid of its effect in case there is negligence on the part of the declarant as to his ignorance of the other party or of the whereabouts.

The procedure concerning publication, in case the other party is unknowable, shall belong to the jurisdiction of the Summary Court at the place of permanent residence of the declarant of intention and, in case the whereabouts of the other party is unknown, of the Summary Court at the last place of permanent residence of the other party.

The Court shall require the declarant of intention to prepay the costs of publication.

Article 98. If the person to whom a declaration of intention has been made is a minor or a person adjudged incompetent at the time when he receives it, the declaration of intention cannot be set up against him until his legal representative has become aware of it.

Section III. Representation

Article 99. A declaration of intention made by a representative within the scope of his authority and disclosing the fact that he is acting for the principal, shall be effective directly as against his principal.

The provisions of the preceding paragraph shall apply with the necessary modifications to a declaration of intention made by a third person to a representative.

Article 100. A declaration of intention made by a representative without disclosing that he is acting for his principal shall be deemed to have been made on his own behalf; but the provisions of paragraph 1 of the preceding Article shall apply with the necessary modifications, if the other party was aware, or should have been aware, that it was made on behalf of the principal.

Article 101. If the validity of a declaration of intention is to be affected by reason of absence of intention or fraud or duress, or by reason of the knowledge or negligent ignorance of any circumstance, the existence or non-existence of the fact shall be determined by reference to the representative.

If a representative, in cases where he has been commissioned to do a specific juristic act, has done such act in conformity with his principal's instructions, the princi-

pal may not assert ignorance on the part of the representative of any circumstance of which he himself was aware, the same shall apply in respect of any circumstance of which he was unaware *through his own negligence*

Article 102. A representative need not be a person of full capacity

Article 103. A representative whose authority is not specified has authority to do only the following acts

1 Acts of preservation,

2. Acts for making use of or improving the thing or the right which forms the subject-matter of the representation, but only in so far as the nature of such thing or right is not altered thereby

Article 104 A representative created by mandate may not appoint a sub-representative, except in cases where he has obtained the consent of the principal or where an unavoidable reason exists

Article 105. If, in the case mentioned in the preceding Article, a representative has appointed a sub-representative, he shall be responsible to the principal in respect of the appointment and for supervision

If a representative has appointed a sub-representative in compliance with a designation made by the principal, he shall incur no responsibility unless he knows such *sub-representative to be unfit or untrustworthy and has* nevertheless neglected to notify the principal thereof or to remove the sub-representative

Article 106. A legal representative may, on his own responsibility, appoint a sub-representative, but he shall incur only the responsibility specified in paragraph 1 of the preceding Article, in cases where an unavoidable reason exists

Article 107. A sub-representative represents the principal in respect of acts within the scope of his authority

A sub-representative has the same rights and duties as a representative towards the principal and third persons

Article 108 No person may in one and the same juristic act be a representative of the other party or a representative of both parties, but this shall not apply in respect of the performance of an obligation

Article 109 A person *who has indicated to a third* person that he has conferred the power of representation on another person shall be responsible for acts done between such other person and the third person within the scope of such power of representation

Article 110 If, in cases where a representative has done an act in excess of his authority, a third person had just reason to believe that the representative had authority to do such act, the provisions of the preceding Article shall apply with the necessary modifications

Article 111 The power of representation shall be extinguished by any of the following causes

1. Death of the principal,

2 Death, adjudication of incompetence or bankruptcy of the representative

The power of representation created by mandate shall also be extinguished by the termination of the mandate

Article 112 The extinction of the power of representation cannot be set up against a third person acting in *good faith unless the third person was unaware of such* fact through negligence

Article 113 If a person having no power of representation makes a contract as the representative of another, such contract shall not be effective as against the principal unless it has been ratified by the principal

A ratification or its refusal cannot be set up against the other party unless it has been made to him, but this shall not apply in cases where the other party is aware of such fact

Article 114 In the case mentioned in the preceding Article the other party may give a peremptory notice to the principal to make within a reasonable period fixed by the former a definite answer as to whether he will ratify or not If the principal does not make a definite answer within such period, he shall be deemed to have refused to ratify

Article 115 A contract made by a person having no power of representation may be avoided by the other party so long as it has not been ratified by the principal, but this shall not apply where the other party was *aware at the time the contract was made that such person* had no power of representation

Article 116 In the absence of any declaration of intention to the contrary, ratification shall be effective retroactively as from the time the contract was made, but the rights of third persons may not be prejudiced thereby

Article 117 If a person who has made a contract as the representative of another cannot establish his power of representation and has not obtained its ratification by his principal, he shall be liable to the other party at the latter's option either *for the performance* or in damages

The provisions of the preceding paragraph shall not apply if the other party was aware, or was unaware through his own negligence, that such person had no power of representation, nor if the person who made the contract as representative had not the capacity for entering into such contract

Article 118 The provisions of the preceding five [illegible]

done to a person having no power of representation with his consent

Section IV. Nullity and Avoidance

Article 119. A void act does not become effective by ratification, but if the parties have ratified it with

knowledge of its nullity, they shall be deemed to have done a new act.

Article 120. A voidable act may be avoided only by a person under disability or a person who has made a defective declaration of intention or by the representative or successor in title of such a person.

Article 121. An act which has been avoided shall be deemed to have been void ab initio, but a person under disability shall be liable to effect restoration only to the extent that he is still enriched by reason of such act.

Article 122. If a voidable act is ratified by the persons mentioned in Article 120, it shall be deemed to have been valid ab initio; but the rights of third persons may not be prejudiced thereby.

Article 123. Where the other party to a voidable act is a determinate person, an avoidance or ratification shall be effected by a declaration of intention made to him.

Article 124. A ratification does not become effective unless it is made after the circumstances forming the ground for avoidance have ceased to exist.

If a person adjudged incompetent has become aware of his act after he has recovered his capacity, he may ratify such act only after he has become aware of it.

The provisions of the preceding two paragraphs shall not apply in cases where ratification is effected by a legal representative.

Article 125. If any of the following facts has taken place with regard to a voidable act after the time when it became possible to effect ratification in accordance with the provisions of the preceding Article, the act shall be deemed to have been ratified, in the absence of any reservation of objection:

1. Performance in full or in part,
2. Demand for performance,
3. Novation;
4. Furnishing of security;
5. Transfer, in whole or in part, of the rights acquired by the voidable act;
6. Compulsory execution.

Article 126. The right of avoidance shall be extinguished by prescription if it is not exercised within five years from the time when it became possible to effect ratification, or if twenty years have elapsed from the time of the act.

Section V. Conditions and Time

Article 127. A juristic act subject to a suspensive condition becomes effective upon the fulfilment of the condition.

A juristic act subject to a resolutive condition ceases to be effective upon the fulfilment of the condition.

If the parties have declared an intention that the effect of the fulfilment, such intention shall prevail.

Article 128. Neither party to a juristic act subject to a condition may, during the period pending the fulfilment of the condition, do anything to impair any benefit which the other party might derive from such act upon the fulfilment of the condition.

Article 129. The rights and duties of the parties during the period pending the fulfilment of the condition may be disposed of, inherited, preserved or secured in accordance with the general rules.

Article 130. If a party to whose disadvantage the fulfilment of a condition would operate has intentionally obstructed the fulfilment of such condition, the other party may treat the condition as having been fulfilled.

Article 131. If a condition has already been fulfilled at the time of a juristic act, such juristic act shall be unconditional if the condition is a suspensive condition, and null and void if it is a resolutive condition.

If the non-fulfilment of a condition was already certain at the time of a juristic act, such juristic act shall be void if the condition is a suspensive condition, and unconditional if it is a resolutive condition.

So long as the parties are unaware of the fulfilment or non-fulfilment of a condition in the cases contemplated in the preceding two paragraphs, the provisions of Articles 128 and 129 shall apply with the necessary modifications.

Article 132. A juristic act subject to an unlawful condition shall be null and void; the same shall apply to an act subject to a condition to abstain from doing an unlawful act.

Article 133. A juristic act subject to an impossible suspensive condition shall be null and void.

A juristic act subject to an impossible resolutive condition shall be unconditional.

Article 134. A juristic act subject to a suspensive condition shall be null and void, if the condition is dependent solely upon the will of the obligor.

Article 135. If a juristic act is subject to a time of commencement, the performance of the juristic act cannot be demanded until such time has arrived.

If a juristic act is subject to a time of termination, the validity of the juristic act shall be extinguished when such time arrives.

Article 136. Time shall be presumed to be stipulated for the benefit of the obligor.

The benefit of time may be waived, but the interests of the other party may not be prejudiced thereby.

Article 137. The obligor cannot claim the benefit of time in the following cases:

1. If the obligor has been adjudged bankrupt;
2. If the obligor has destroyed or diminished the security;
3. If the obligor has not furnished security in cases where he is bound to do so.

Chapter V. Periods of Time

Article 138. The method of computing periods of time shall be governed by the provisions of this Chapter unless it is otherwise provided by laws or ordinances, by a judicial order or by a juristic act

Article 139 If a period of time has been fixed by the hour, it shall be computed as from the given moment

Article 140 If a period of time has been fixed by the day, week, month or year, the first day of such period shall not be included in the computation, but this shall not apply if the period begins at midnight

Article 141. In the cases mentioned in the preceding Article, the period of time shall mature upon the expiration of the last day of such period

Article 142. If, in cases where the last day of a period of time falls on a national holiday, Sunday or any other holiday, it is customary not to do business on such day, the period of time shall mature on the following day

Article 143 If a period of time has been fixed by the week, month or year, it shall be computed according to the calendar

If a period of time is not computed from the beginning of a week, month or year, such period of time shall mature on the day in the last week, month or year preceding the day corresponding to that from which the computation is made, but if, in cases where the period of time has been fixed by the month or year, there is no corresponding day in the last month, the last day of the month shall be the day of maturity

Chapter VI Prescription

Section I General Provisions

Article 144 The effect of prescription relates back to the day from which its period is computed

Article 145 Unless the party concerned avails himself of the benefit of prescription, the Court cannot base its decisions thereon

Article 146 The benefit of prescription may not be waived in advance

Article 147 Prescription shall be interrupted by any of the following causes

1 Demand,

2 Attachment, provisional attachment of provisional disposition,

3 Acknowledgment

Article 148 The interruption of prescription mentioned in the preceding Article shall be effective only as between the parties themselves and their successors in title

Article 149 A demand by way of judicial proceedings shall not have the effect of interrupting prescription in cases where the action is dismissed or withdrawn

Article 150 An order for payment shall not have the effect of interrupting prescription if it ceases to be effective because the obligee fails to apply for provisional execution within the period of time prescribed by law

Article 151. A summons for the purpose of reaching a compromise shall not have the effect of interrupting prescription, unless an action is brought within one month, in cases where the other party does not appear or the compromise is not arrived at The same shall apply, if in a case of a voluntary appearance a compromise has not been arrived at

Article 152 Intervention in bankruptcy proceedings shall not have the effect of interrupting prescription, if it is withdrawn by the obligee or if his claim is dismissed

Article 153 A peremptory notice shall not have the effect of interrupting prescription, if a demand by way of judicial proceedings a summons for the purpose of effecting a compromise or a voluntary appearance for the same purpose, intervention in bankruptcy proceedings, an attachment, a provisional attachment or a provisional disposition is not made within six months

Article 154 An attachment, a provisional attachment or a provisional disposition shall not have the effect of interrupting prescription, if annulled on the application of the person entitled or by reason of non-compliance with any provision of law

Article 155 An attachment, a provisional attachment or a provisional disposition, if not effected against the person in whose favour prescription is running, shall not have the effect of interrupting prescription until after such person has been notified thereof

Article 156 In order to effect an acknowledgment that will produce the effect of interrupting prescription, no capacity or authority for disposition in respect of the rights of the other party is required

Article 157. Prescription which has been interrupted begins to run anew from the time when the cause of such interruption ceases

Prescription which has been interrupted by a demand by way of judicial proceedings begins to run anew from the time when the decision thereon has become finally binding

Article 158 If a minor or a person adjudged incompetent has been without legal representative within six months preceding the maturity of the period of prescription, prescription shall not become complete against him for a period of six months from the time when he becomes a person of full capacity or a legal representative assumes office

Article 159 In respect of the rights that a person under disability possesses against his father, or mother, or guardian, who manages his property, prescription shall not become complete for a period of six months from the time when he becomes a person of full capacity or a succeeding legal representative assumes office

Article 159-2. In respect of the rights that one spouse has against the other, prescription shall not become complete for six months from the time of the dissolution of the marriage.

Article 160. In respect of an estate of inheritance prescription shall not become complete for a period of six months from the time when a successor is determined, an administrator appointed or an adjudication of bankruptcy made.

Article 161. If, at the time of the maturity of the period of prescription, it is impossible to interrupt prescription because of a natural calamity or any other inevitable contingency, prescription shall not become complete for a period of two weeks from the time when such obstacle ceases to exist.

Section II. Acquisitive Prescription

Article 162. A person who has for twenty years peaceably and openly held possession of a thing belonging to another with an intention to own it shall acquire the ownership thereof.

A person who has for ten years peaceably and openly held possession of an immovable belonging to another with an intention to own it shall acquire the ownership of such immovable, if at the beginning of such possession he acted in good faith and without negligence.

Article 163. A person who exercises peaceably and openly any property right other than ownership with an intention to do so on his own behalf, shall acquire such right after twenty or ten years respectively according to the distinction mentioned in the preceding Article.

Article 164. The prescription mentioned in Article 162 shall be interrupted, if the possessor voluntarily discontinues his possession, or if he is deprived of his possession by another.

Article 165. The provisions of the preceding Article shall apply with the necessary modifications to the cases mentioned in Article 163.

Section III. Extinctive Prescription

Article 166. Extinctive prescription begins to run from the time when the right is capable of being exercised.

The provisions of the preceding paragraph shall not prevent acquisitive prescription from running in favour of a third person possessing the subject matter of a right subject to a time of commencement or to a suspensive condition, as from the time when he has taken possession of such thing; but the person entitled may at any time demand an acknowledgment from the possessor in order to interrupt the prescription.

Article 167. A claim shall be extinguished if it is not exercised for ten years.

A property right other than a claim of ownership shall be extinguished if it is not exercised for twenty years.

Article 168. A claim for money required to be paid periodically shall be extinguished if it is not exercised for twenty years from the time appointed for the first payment; the same shall apply if it is not exercised for ten years from the time appointed for the last payment.

An obligee in respect of money required to be paid periodically may at any time demand a written acknowledgment from the obligor in order to obtain evidence of an interruption of prescription.

Article 169. A claim which has for its object the delivery of money or other things fixed by the year or any shorter period shall be extinguished if not exercised for five years.

Article 170. Claims mentioned below shall be extinguished if not exercised for three years:

1. Claims by medical practitioners, midwives and apothecaries in respect of medical treatment, professional services and the preparation of medicines;
2. Claims by engineers, master carpenters and contractors in respect of the execution of works; the prescription in this case being computed as from the time of the completion of the works undertaken.

Article 171. Attorneys-at-law, notaries and bailiffs shall be relieved of their responsibilities in respect of documents received in connection with their duties after the lapse of three years, as regards attorneys-at-law from the time of the completion of the particular case, and as regards notaries and bailiffs from the time when they have performed their duties.

Article 172. The claims of attorneys-at-law, notaries and bailiffs relating to their duties shall be extinguished, if not exercised for two years from the time of the completion of the case out of which they have arisen; but if five years have elapsed from the time of the completion of each matter included in the case, claims relating to such matter shall be extinguished even though the abovementioned period has not yet expired.

Article 173. Claims mentioned below shall be extinguished if not exercised for two years:

1. The price of products and merchandise sold by producers or by wholesale and retail traders;
2. Claims of artisans working at home and manufacturers in respect of their work;
3. Claims of school proprietors, keepers of boarding schools, teachers and masters in respect of the education, clothing, food and lodging of pupils and apprentices.

Article 174. Claims mentioned below shall be extinguished if not exercised for one year:

1. Salaries of employees fixed by the month or any shorter period;
2. Wages of manual workers and public performers and the price of articles supplied by them;
3. Charges for transport;
4. Charges made at inns, restaurants, assembly-rooms for hire and places of amusement for lodging, refreshment, hire of rooms, admittance, and the price of articles of consumption, as well as for disbursements;
5. Rent for the hire of movables.

[illegible] lished by compromise made before the court, conciliation or any other act of procedure equivalent in effect to an irrevocable decision

The provisions of the preceding paragraph shall not apply to claims for which the time of payment was not yet due at the time when the decision became irrevocable.

Book II Real Rights

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Chapter I General Provisions

Article 175 No real rights can be established other than those provided for in this Code or in other laws

Article 176. The creation and transfer of real rights shall take effect through a mere declaration of intention by the parties

Article 177 The acquisition or loss of, or any alteration in a real right over an immovable cannot be set up against a third person until it has been registered in accordance with the provisions of law concerning registration

Article 178 The assignment of a real right over a movable cannot be set up against a third person until the movable has been delivered

Article 179 When the ownership of, and any other real right over one and the same thing have become vested in one and the same person, such other real right shall be extinguished, but this shall not apply if the thing or the real right forms the subject of a right belonging to a third person

If a real right other than ownership and any other right having such real right for its subject have become vested in one and the same person, such other right shall be extinguished, in such case the latter part of the preceding paragraph shall apply with the necessary modifications

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Chapter II Possessory Rights

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Article 180. A possessory right is acquired by holding a thing with the intention of doing so on one's own behalf.

Article 181. A possessory right may be acquired through a representative

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Where the assignee or his representative actually holds a thing, the assignment of a possessory right may be effected by a mere declaration of intention by the parties

Article 183 When a representative has declared his intention that a thing in his possession shall thereafter be possessed on behalf of his principal, the principal shall thereby acquire a possessory right

Article 184 If, in a case where a thing is possessed [illegible] sory right.

Article 185 Where the nature of his title precludes any intention of holding as owner on the part of a possessor, the nature of such possession shall not be altered

unless he declares to the person who put him into possession that he intends to hold as owner, or unless he commences a new possession under a new title with the intention of holding as owner.

Article 186. A possessor shall be presumed to be in possession with the intention of holding as owner, in good faith, peaceably and openly.

If there is proof of possession at two different times, possession shall be presumed to have been continuous throughout the intermediate time.

Article 187. The successor in title of a possessor may at his option assert either his own possession only or his own possession together with that of his predecessor.

In case the possession of a predecessor is asserted together with his own, he shall succeed also to any defects attaching to the former.

Section II. Effect of Possessory Rights

Article 188. A possessor shall be presumed to hold lawfully the right which he exercises over the thing possessed.

Article 189. A possessor in good faith acquires the fruits derived from the thing possessed.

If a possessor in good faith fails in an action on title, he shall be deemed to have been a possessor in bad faith as from the time of the commencement of the action.

Article 190. A possessor in bad faith is bound to return the fruits and to make compensation for the value of fruits which have already been consumed by him, or have been damaged by his fault, or have not been collected through his neglect.

The provisions of the preceding paragraph shall apply with the necessary modifications to possessors by force or in secret.

Article 191. In case a thing possessed has been lost or damaged by any cause for which the possessor is responsible, a possessor in bad faith shall be liable to make good to the person entitled to restoration the entire damage and a possessor in good faith shall be liable to the extent that he is still enriched by reason of such loss or damage; a possessor who has no intention of holding as owner, however, must repair the entire damage even though he may have been acting in good faith.

Article 192. If a person has peaceably and openly commenced to possess a movable, acting in good faith and without negligence, he shall immediately acquire the right which he purports to exercise over such movable.

Article 193. If in the case mentioned in the preceding Article the thing possessed is a stolen or lost article, the injured party or the loser may demand restoration of the article from the possessor within two years from the time when the article was stolen or lost.

Article 194. If the possessor of a thing stolen or lost has bought it in good faith at a sale by auction, in a public market or from a trader selling things of the same kind, the injured party or the loser cannot recover the thing unless he reimburses the possessor for the price paid for it.

Article 195. A person who has possession of an animal, other than a domestic animal, formerly kept by another person shall acquire the right which he purports to exercise over the animal, if at the commencement of the possession he was acting in good faith and no demand for restoration has been made by the former keeper within one month from the time of its escape.

Article 196. When a possessor restores the thing possessed he is entitled to reimbursement from the person claiming restoration for the amount expended on its preservation and for any other necessary expenses; but in case the possessor has acquired the fruits, any ordinary necessary expenses shall be borne by himself.

In regard to any amount expended on the improvement of a thing possessed and to any other advantageous expenses, a possessor is, to the extent that the increase in value remains subsisting, entitled to reimbursement either of the amount expended or of the amount by which the value of the thing has been increased, at the option of the person claiming restoration. Against a possessor in bad faith, however, the Court may, upon the application of the person claiming restoration, allow him reasonable time.

Article 197. A possessor may bring possessory actions in accordance with the provisions of the following five articles. The same shall apply to a person who possesses on behalf of another person.

Article 198. If a possessor is disturbed in his possession, he may be an action for maintenance of possession demand discontinuance of the disturbance as well as reparation in damages.

Article 199. If there exists an apprehension that his possession may be disturbed, a possessor may by an action for preservation of possession demand the prevention of such disturbance or security for damages.

Article 200. If a possessor has been deprived of his possession, he may by an action for recovery of possession demand the return of the thing as well as reparation in damages.

No action for recovery of possession may be brought against a singular successor in title of a dispossessor, unless such successor in title was aware of the fact of dispossession.

Article 201. An action for maintenance of possession must be brought during the continuance of the disturbance or within one year after it has ceased; but in case the thing possessed has been damaged by any structural works, the action may not be brought after one year has elapsed since the commencement of such works, nor after the completion thereof.

An action for preservation of possession may be brought so long as the danger of disturbance exists; but if there exists an apprehension that damage may be done to the thing possessed by any structural works, the latter part

of the preceding paragraph shall apply with the necessary modifications

An action for recovery of possession must be brought within one year from the time of the dispossession

Article 202. Possessory actions and actions on title shall not exclude each other

Possessory actions may not be decided upon grounds relating to the proprietary title

Section III Extinction of Possessory Rights

Article 203 A possessory right is extinguished if the possessor abandons the intention to possess, or if he loses the custody of the thing, but this shall not apply in cases where the possessor brings an action for recovery of the possession.

Article 204 In case possession is held through a representative, a possessory right is extinguished by any of the following causes

1 If the principal abandons his intention that the representative shall hold possession

2 If the representative declares to the principal his *intention thereafter to hold the thing possessed on his* own behalf or on behalf of a third person

3 If the representative loses the custody of the thing possessed

A possessory right shall not be extinguished by the mere extinction of the power of representation

Section IV Quasi-Possession

Article 205 The provisions of this Chapter shall [illegible]

Chapter III Ownership

Section I. Limits of Ownership

Article 206 An owner has the right, subject to limitation by laws or ordinances, freely to use, to take the profits of, and to dispose of the thing owned

Article 207 Subject to limitation by laws or ordinances, the ownership of land extends both above and below its surface

Article 208 If a building is divided between two or more persons and each owns a part thereof, those portions of the building and its appurtenances which are used in common shall be presumed to be in their co-ownership

The expenses of repair and other charges relating to the portions used in common shall be divided in proportion to the value of the part owned by each

Article 209 The owner of land may, insofar as is necessary for the construction or repair of walls or buildings on or near the boundary, demand the use of the adjacent land; but he may not enter the dwelling house of an adjacent occupier without his consent

If in the case mentioned in the preceding paragraph an adjacent occupier sustains damage, he may demand compensation for it

Article 210 *If a piece of land is surrounded by the* land of others and has no passage to a public road, the owner of such land may pass over the surrounding land to reach a public road

The same shall apply in cases where no outward passage can be had except over a pond or marsh, river or canal, or by the sea, or where owing to a steep slope considerable disparity in level exists between the land and a public road.

Article 211 In the cases *mentioned in the preceding* Article, the place and the method of passage must be so chosen as to meet the requirements of the person having the right of passage and yet cause the least possible damage to the surrounding land.

The person having the right of passage may, if necessary, construct a road for passage.

Article 212 The person having the right of passage must pay compensation for any damage done to the land passed over Such compensation, except for damage arising from the construction of a road for passage, may be paid annually

Article 213 If in consequence of partition a piece of land has lost its passage to a public road, the owner of such land may, in order to reach a public road, pass over only the land belonging to the other participants in the partition, in such case no compensation need be paid

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where the owner of land has assigned a part of the land

Article 214 The owner of land may not interfere with the natural flow of water coming from the adjacent land

Article 215. When by accident the course of water has been obstructed on lower land, the owner of higher land may at his own expense construct works necessary for its drainage

Article 216 When by the disruption or obstruction of works constructed on land A for the purpose of collecting, discharging or drawing water, damage has been done, or there is an apprehension of damage to land B, the owner of the land B may require the owner of the land A to effect repair or to drain off the water, and if necessary, to construct protective works.

Article 217. If in the cases mentioned in the preceding two Articles any different custom exists as to who shall bear the expense, such custom shall prevail

Article 218 The owner of land may not construct any roof or other structure which may cause rain-water to fall directly on adjacent land

Article 219 The owner of a ditch, canal or other

water-course may not alter its course or width, if the land on the opposite bank belongs to another person.

If the land on both banks belongs to the owner of a water-course, such owner may alter its course and width, provided that the water shall be restored to its natural course at the lower exit.

If there exists any custom different from the provisions of the preceding two paragraphs, such custom shall prevail.

Article 220. For the purpose of draining land which is under water or of discharging surplus water from household, agricultural or industrial uses, the owner of higher land may conduct the water to lower land until it reaches a public road, public water-way or drain; but the place and the method must be so chosen as to cause the least possible damage to the lower land.

Article 221. The owner of land may, for the purpose of conducting water from his land, use any works constructed by the owner of higher or lower land.

Where in the case mentioned in the preceding paragraph a person uses works belonging to another person, he must bear his share of the expense of the construction and maintenance of such works in proportion to the benefit he derives therefrom.

Article 222. If there is any need for the construction of a dam, the owner of a watercourse may attach it to the opposite bank; but he must pay compensation for any damage caused thereby.

If a part of a watercourse belongs to the owner of the opposite bank, he also may use the dam; but he must bear his share of the expense in accordance with the provisions of the preceding Article.

Article 223. The owner of land may at the joint expense of himself and the owner of the adjacent land set up things to mark the boundary.

Article 224. The expense of the construction and maintenance of boundary marks shall be borne by the immediate neighbors in equal proportions, but the expense of a survey shall be apportioned according to the area of the land.

Article 225. If two buildings belong to different owners and an open space exists between them either owner may at the joint expense of himself and the other owner construct a fence along the boundary.

If no agreement can be reached between the parties, the fence mentioned in the preceding paragraph shall be a board or bamboo fence which shall be six *shaku* in height.

Article 226. The expense of the construction and maintenance of the fence shall be borne by the immediate neighbors in equal proportions.

Article 227. Either of the immediate neighbors may construct a fence using better materials or making it higher than is specified in Article 225, par. 2, but he must bear the additional expense caused thereby.

Article 228. If there exists any custom different from the provisions of the preceding three Articles, such custom shall prevail.

Article 229. Boundary marks, fences, walls, ditches and canals set on the boundary line are presumed to be in the co-ownership of the immediate neighbors.

Article 230. The provisions of the preceding Article shall not apply to walls on a boundary line which form part of a building.

The same shall apply to that portion of a wall dividing buildings of unequal height which rises above the lower building, unless it is a fire-prevention wall.

Article 231. Either of the immediate neighbors may increase the height of a wall in their co-ownership; but if the wall is unable to support the strain of such work, he must at his own expense strengthen or reconstruct the wall.

The new portion of the wall which has been heightened in accordance with the provisions of the preceding paragraph shall belong exclusively to the person who has effected the work.

Article 232. If a neighbor has sustained damage in the case mentioned in the preceding Article, he may demand compensation for it.

Article 233. If the branches of bamboos or trees on adjacent land extend over the boundary line, the owner of such bamboos or trees may be required to lop the branches.

If the roots of bamboos or trees on adjacent land extend across the boundary line, they may be lopped.

Article 234. In constructing a building a distance of not less than one *shaku* or five *sun* must be left from the boundary line.

When a person is constructing a building in contravention of the provisions of the preceding paragraph, the owner of the adjacent land may cause the construction to be discontinued or modified; but if one year has elapsed since the commencement of the construction work, or if the construction work has been completed, only a demand for damages may be made.

Article 235. A person who constructs at a distance of less than three *shaku* from the boundary line a window or verandah which overlooks the grounds of another person, must keep attached a screen thereto.

The distance mentioned in the preceding paragraph shall be determined by a line drawn at right angles to the boundary line from that point of the window or verandah which is nearest to the adjacent land.

Article 236. If there is any custom different from the provisions of the preceding two Articles, such custom shall prevail.

Article 237. In digging a well, cistern, sink or manure pit a distance of not less than six *shaku*, and in digging a pond, cellar or privy vault a distance of not less than three *shaku*, must be left from the boundary line.

In laying water-pipes underground and in digging ditches and canals a distance of not less than one half of

their depth must be left from the boundary line, but it need not exceed three *shaku*

Article 238 If the work mentioned in the preceding Article is conducted in the neighbourhood of a boundary line, the necessary precautions must be taken to prevent the collapse of earth and sand or the infiltration of water and filthy liquids

Section II Acquisition of Ownership

Article 239. The ownership of a movable which is without an owner is acquired by taking possession of it with the intention of holding it as owner

An immovable which is without an owner shall vest in the National Treasury

Article 240 The ownership of a lost article is acquired by the finder if its owner is not discovered within one year after public notice has been given in accordance with the provisions of special laws

Article 241 The ownership of treasure-trove is acquired by the finder if its owner is not discovered within *six months after public notice has been given in accordance* with the provisions of special laws, but the ownership of treasure-trove found in a thing belonging to another person is acquired by the finder and the owner of the thing in equal shares

Article 242 The owner of an immovable acquires the ownership of any thing united thereto as accessory, but this shall not affect the rights of another person who has attached such thing by virtue of a title

Article 243 If two or more movables belonging to different owners are so united together that they can no longer be separated without damage, the ownership of the composite thing belongs to the owner of the principal movable The same shall apply if their separation would entail excessive expense

Article 244 If in regard to movables united together no distinction of *principal and accessory can be made, the owners of the several movables shall* be co-owners of the composite thing in proportion to the value of the movables at the time they were united together

Article 245 The provisions of the preceding two Articles shall apply with the necessary modifications, if things belonging to different owners are mixed together so as to be no longer distinguishable from each other

Article 246 When a person has performed work upon a movable belonging to another person, the ownership of the thing created by the work shall belong to the owner of the materials, but if the value arising out of such workmanship considerable exceeds that of the materials, the person who has performed work shall acquire the ownership of the thing

If a person who has performed work has furnished a *part of the materials, he shall acquire the ownership of the thing only if the value of the* materials so furnished together with the value arising out of his workmanship exceeds the value of the materials furnished by the other person.

Article 247. If the ownership of a thing is extinguished in accordance with the provisions of the preceding five Articles, all other rights which exist over the thing shall also be extinguished

If the owner of the thing mentioned above has become the sole owner of the composite thing, the mixture of the thing created by work, the other rights mentioned in the preceding paragraph shall exist thenceforward over the composite thing, the mixture of the thing created by work, and if he has become a co-owner thereof they shall exist over his share therein

Article 248 A person who has sustained loss by reason of the application of the provisions of the preceding six Articles may demand compensation in accordance with the provisions of Articles 703 and 704

Section III Co-ownership

Article 249 Each co-owner is entitled in proportion to his own share to make use of the whole of the thing in co-ownership

Article 250 *The shares of the co-owners shall be presumed to be equal*

Article 251 No co-owner may make any alteration in the thing co-ownership without the consent of the other co-owners

Article 252 Except in the case mentioned in the preceding Article all matter relating to the administration of the thing in co-ownership shall be determined by a majority of the co-owners based on the value of the share of each co-owner, but each co-owner is entitled to effect acts of preservation

Article 253. Each co-owner shall pay the expenses of administration and bear all other charges relating to the thing in co-ownership in proportion to his share

If a co-owner fails to perform the duty mentioned in the preceding paragraph for one year, the other co-owners *may acquire his share upon payment of a reasonable* compensation.

Article 254 An obligation which one of the co-owners has against another in respect of the thing in co-ownership, may be exercised against the singular successor in title of the latter

Article 255 If one of the co-owners renounces his share, or dies without a successor, his share devolves on the other co-owners.

Article 256 Each co-owner may demand at any time a partition of the thing in co-ownership, but it may be provided by contract that no partition shall be made for a period not exceeding five years

This contract may be renewed, but its duration cannot exceed five years from the time of renewal

Article 257. The provisions of the preceding Article shall not apply to things in co-ownership as mentioned in Articles 208 and 229.

Article 258 If no agreement can be reached am the co-owners, an application for partition may be to the Court

If, in the case mentioned in the preceding paragraph, partition of the property itself cannot be effected, or if there is an apprehension that the property may considerably depreciate in value as a result of partition, the Court may order a sale thereof by official auction.

Article 259. If one of the co-owners has an obligation against another co-owner in relation to the co-ownership, he may upon partition require performance to be effected out of that portion of the thing in co-ownership which is to accrue to his obligor.

If for the purpose of obtaining performance it is necessary to sell that portion of the thing in co-ownership which is to accrue to the obligor, the obligee may demand such sale.

Article 260. A person who has a right over the thing in co-ownership and an obligee of each co-owner may at his own expense intervene in the partition.

If, notwithstanding that a demand for intervention has been made in accordance with the provisions of the preceding paragraph, partition has been effected without waiting for such intervention, such partition cannot be set up against the person who has demanded intervention.

Article 261. Each co-owner shall in proportion to his share bear the same liability for warranty as that of a seller in regard to the things which the other co-owners have acquired by partition.

Article 262. When partition has been completed, each participant must preserve all documents relating to the things he has acquired.

Documents relating to the thing partitioned among all or several of the co-owners must be preserved by the person who has acquired the largest portion of the thing.

If in the case mentioned in the preceding paragraph no one has acquired a preponderant portion, the participants shall by mutual agreement determine who shall preserve documents; if no agreement has been reached, such person shall be nominated by the Court.

The custodian of the documents must, upon demand by any other participant, allow the use of the documents.

Article 263. With regard to *iriaiken* in the nature of co-ownership, the provisions of this Section shall apply subject to the custom of each locality.

Article 264. The provisions of this Section shall apply with the necessary modifications in cases where a property right other than ownership is held by two or more persons, except as otherwise provided by laws or ordinances.

Chapter IV. Superficies

Article 265. A superficiary is entitled to use the land of another person for the purpose of owning structures or bamboos or trees thereon.

Article 266. Where a superficiary is bound to pay rent periodically to the owner of the land, the provisions of Articles 274 to 276 shall apply with the necessary modifications.

With regard to the rent, the provisions relating to leases shall also apply with the necessary modifications.

Article 267. The provisions of Articles 209 to 238 shall apply with the necessary modifications as between superficiaries and as between a superficiary and the landowner, but the presumption mentioned in Article 229 shall apply with the necessary modifications to superficiaries only in respect of works constructed after the creation of the superficies.

Article 268. If the duration of a superficies has not been determined by the act of creation, the superficiary may at any time renounce his right in the absence of any different custom; but if he is bound to pay rent, he must give one year's previous notice or pay one year's rent which has not yet accrued.

If a superficiary does not renounce his right in accordance with the provisions of the preceding paragraph, the Court shall on the application of the party concerned determine the period for its duration at not less than twenty years and not more than fifty years, taking into account the nature and condition of the structures or bamboos or trees, as well as the circumstances existing at the time when the superficies was created.

Article 269. On the termination of a superficies, the superficiary may on restoring the land to its original condition, take away his structures, bamboos or trees, but if the owner of the land, tendering the current price, notifies him that he intends to purchase them, the superficiary may not refuse such tender without just reason.

If there exists any custom different from the provisions of the preceding paragraph, such custom shall prevail.

Chapter V. Emphyteusis

Article 270. An emphyteuta is entitled to cultivate the land of another person or rear live-stock thereon upon payment of a rent.

Article 271. An emphyteuta may not effect any alteration which will cause permanent damage to the land.

Article 272. An emphyteuta may assign his right to another person or lease the land within the duration of his right for the purpose of cultivation or the rearing of live-stock, unless this is prohibited by the act of creation.

Article 273. The provisions relating to leases shall apply with the necessary modifications to the duties of an emphyteuta, in addition to the provisions of this Chapter and any which are contained in the act of creation.

Article 274. An emphyteuta may not, even if he has sustained loss in regard to the returns by *vis major*, de-

mand a remission or reduction of his rent

Article 275 If through *vis major* an emphyteuta has received no returns at all for three consecutive years or more, or has received returns which are less than his rent for five consecutive years or more, he may renounce his right

Article 276 If an emphyteuta has neglected to pay rent for two consecutive years or more, or has been adjudged bankrupt, the landowner may demand the termination of the emphyteusis

Article 277. If there exists any custom different from the provision of the preceding six Articles, such custom shall prevail

Article 278 The duration of an emphyteusis shall not be less than twenty years nor more than fifty years If it has been created for a period longer than fifty years, such period shall be reduced to fifty years

The creation of an emphyteusis may be renewed, but the period may not exceed fifty years from the time of renewal

If the duration of an emphyteusis has not been determined by the act of creation, it shall be thirty years in the absence of any different custom

Article 279 The provisions of Article 269 shall apply with the necessary modifications to emphyteusis

Chapter VI Servitudes

Article 280 A person having a servitude is entitled to apply the land of another person to the convenience and benefit of his own land in conformity with the object specified in the act of creation, but he must not contravene those provisions of Chapter III, Section 1 which concern public policy

Article 281 A servitude is transferred along with the ownership of the dominant as appurtenant thereto and is subject to any other rights existing over the dominant land, unless it is otherwise provided by the act of creation

A servitude may neither be assigned nor be made the subject of any other rights apart from the dominant land

Article 282 One co-owner of land cannot extinguish as to his own share a servitude existing for the benefit of or over such land

If land is partitioned or a part thereof is assigned, the servitude shall continue to exist for the benefit of or over each part, unless according to the nature of the servitude it relates only to a part of the land

Article 283 A servitude may be acquired by prescription only if it is continuous and apparent

Article 284 If one co-owner acquires a servitude by prescription, it shall also be acquired by the other co-owners

An interruption of prescription as against co-owners shall not be effective unless it is made against each co-owner who exercises the servitude

In cases where there are two or more co-owners exercising the servitude, the prescription shall run in favour of all the co-owners, even if there be cause for the suspension of prescription against one of them

Article 285. If the water on land subject to a servitude for the use of water is not sufficient to meet the requirements of both the dominant and the servient lands, it shall according to the requirements of each piece of land first be appropriated to domestic use and the remainder to other uses, but this shall not apply if it has been otherwise provided by the act of creation

If two or more servitudes for the use of water have been created over one and the same land, the person having a subsequent servitude may not interfere with the use of the water by the person having a prior servitude

Article 286 If the owner of servient land has assumed, either by the act of creation or by special contract, a duty to construct structures or to effect repairs thereon at his own expense in furtherance of the exercise of a servitude, such duty shall also be assumed by singular successors in title of the owner of the servient land

Article 287 The owner of servient land may at any time relieve himself of the burden contemplated in the preceding Article by surrendering to the person holding the servitude the ownership of that portion of the land which is necessary for the servitude

Article 288 The owner of servient land may use the structures on the servient land constructed for the exercise of the servitude, in so far as this does not interfere with such exercise

In the case mentioned in the preceding paragraph the owner of the servient land must bear his share of the expense of the construction and maintenance of the structures in proportion to the benefit which he derives therefrom

Article 289 If the possessor of servient land has been in possession so as to fulfil the conditions necessary for acquisitive prescription, the servitude shall be extinguished thereby.

Article 290 The extinctive prescription mentioned in the preceding Article shall be interrupted by the exercise of the servitude by the person holding the servitude

Article 291 The period for extinctive prescription specified in Article 167, paragraph 2 shall be computed, in respect of a non-continuous servitude from the time when the servitude was last exercised, and in respect of a continuous servitude from the time when a fact interfering with its exercise occurred.

Article 292 If, in cases where the dominant land is the co-ownership of two or more persons, an interruption or suspension of prescription occurs in favour of one of them, such interruption or suspension shall enure to the benefit of the other co-owners

Article 293 If the person who h · fails

to exercise some part of his right, such part only shall be extinguished by prescription.

Article 294. With regard to *iriaikan* not partaking of the nature of co-ownership, the provisions of this Chapter shall apply with the necessary modifications, subject to the custom of each locality.

Chapter VII. Right of Retention

Article 295. If the possessor of a thing belonging to another person has any obligation which has arisen in respect of such thing, he may retain it until the obligation has been satisfied; but this shall not apply if the obligation is not yet due.

The provisions of the preceding paragraph shall not apply if the possession originated from an unlawful act.

Article 296. A person having a right of retention may exercise his right over the whole thing retained until his obligation has been fully satisfied.

Article 297. A person having a right of retention may collect the fruits produced by the thing retained and may appropriate them to the satisfaction of his obligation in preference to other obligees.

The fruits mentioned in the preceding paragraph must first be appropriated to the interest on the obligation and the surplus, if any, to the principal.

Article 298. A person having a right of retention must possess the thing retained with the care of a good manager.

A person having a right of retention may not without the consent of the obligor use or let the thing retained or give it as security; but this shall not apply to such use of the thing as is necessary for its preservation.

If a person having a right of retention contravenes the provisions of the preceding two paragraphs, the obligor may demand the extinction of the right of retention.

Article 299. If a person having a right of retention has incurred necessary expenses in respect of the thing retained, he may require the owner to effect reimbursement.

If a person having a right of retention has incurred advantageous expenses in respect of the thing retained, he may so long as an increase in value remains subsisting, require reimbursement either of the amount incurred or the amount which its value has been increased by at the option of the owner; but the Court may upon the application of the owner allow him reasonable time.

Article 300. The exercise of a right of retention shall not prevent extinctive prescription from running against the obligation.

Article 301. The obligor may demand the extinction of a right of retention on furnishing adequate security.

Article 302. A right of retention shall be extinguished by the loss of possession; but this shall not apply in cases where the thing retained has been let or pledged in accordance with the provisions of Article 298, paragraph 2.

Chapter VIII. Preferential Rights

Section I. General Provisions

Article 303. A person having a preferential right has, in accordance with the provisions of this Code or other laws, a right to obtain satisfaction of his obligation out of the property of his obligor in preference to other obligees.

Article 304. A preferential right may also be exercised against money or other things which the obligor is entitled to receive by reason of the sale, letting, or loss of, or of damage sustained by, the subject matter of such right, but the person having such preferential right must levy an attachment thereon prior to their payment or delivery.

The same shall apply to the consideration for a real right created by the obligor over the subject matter of a preferential right.

Article 305. The provisions of Article 298 shall apply with the necessary modifications to preferential rights.

Section II. Classes of Preferential Rights

Sub-Section I. General Preferential Rights

Article 306. A person who has any of the obligations which have arisen from any of the causes mentioned below has a preferential right over the whole property of the obligor:

1. Expenses for the common benefit;
2. Funeral expenses;
3. Wages of employees;
4. Supplies of daily necessities.

Article 307. The preferential right arising from expenses for the common benefit exists in respect of expenses relating to the preservation, liquidation or distribution of the obligor's property incurred for the common benefit of each obligee.

In respect of any of the expenses mentioned in the preceding paragraph which has not been for the benefit of all the obligees, the preferential right exists only as against those obligees benefited thereby.

Article 308. The preferential right arising from funeral expenses exists in respect of the expenses of a funeral conducted according to the station in life of the obligor.

The preferential right mentioned in the preceding paragraph also exists in respect of the expense of a funeral conducted according to the station in life of a relative whom the obligor was bound to support.

Article 309 The preferential right arising from the wages of employees exists in respect of wages for the last six months receivable by employees of the obligor, but the amount thereof is limited to fifty yen

Article 310 The preferential right arising from the supply of daily necessities exists in respect to supplies for the last six months of the food and drink, fire-wood, charcoal and oil necessary for the livelihood of the obligor, and of his relatives who live with him and whom he [illegible]

which have arisen from any of the causes mentioned below has a preferential right over the specific movables of the obligor·

1 Lease of immovables,
2 Lodging at an inn,
3. Carriage of passengers or goods,
4 Negligence of public officers in the performance of their duties,
5 Preservation of movables,
6 Sale of movables,
7. Supply of seeds, seedings or fertilizers,
8 Agricultural or industrial labour

Article 312 The preferential right arising from the lease of immovables exists over movables of the lessee in respect of the rent and other obligations of the lessee which have arisen out of such lease

Article 313 The *preferential right of the lessor of* land exists over movables installed on the land leased or in the out-buildings sub-servient to the use thereof, over movables devoted to the use of such land, and over the fruits of such land which are in the possession of the lessee

The preferential right of the lessor of a building exists over movables installed in the building by the lessee

Article 314 In the case of an assignment of a lease or sub-lease, the preferential right of a lessor shall extend to movables of the assignee or sub-lessee The same shall apply to any money which the assignor or sub-lessor is to receive

Article 315 In case a general liquidation of the property of a lessee is effected, the preferential right of a lessor exists only in respect of rent and other obligations of the last previous, the current and the next ensuing terms and for the reparation of such damage as has arisen during the last previous and the current terms

Article 316 In case a lessor has received a deposit he has a preferential right only over such portion of his obligation as to which he cannot obtain satisfaction out of the deposit

[illegible]

Article 318. The preferential right arising from the carriage exists over goods in the hands of the carrier in respect of the charges for the carriage of passengers or goods and incidental expenses

Article 319 The provisions of Articles 192 and 193 shall apply with the necessary modifications to the preferential rights mentioned in the preceding seven Articles

Article 320 The preferential right against the caution-money of a public officer exists over such caution-money in respect of obligations which have arisen from negligence in the performance of his duties on the part of the public officer who has furnished the caution-money

Article 321 The preferential right arising from the preservation of a movable exists over such movable in respect of the expenses of its preservation

The preferential right mentioned in the preceding paragraph also exists in respect of the expenses required for the preservation ratification or realization of rights relating to a movable

Article 322 The preferential right arising from the sale of a movable exists over the movable in respect of the price and interest thereon

[illegible]

est thereon, over the fruits derived from the land on which such seeds, seedlings, or fertilizers have been used, within one year after their use

[illegible]

leaves

Article 324 The preferential right arising from agricultural or industrial labour exists over the fruits or manufactured goods produced by such labour in respect of wages for the last one year in the case of agricultural workers and for the last three months in the case of industrial workers

Sub-Section III Preferential Rights Over Immovables

Article 325 A person who has any of the obligations which have arisen from any of the causes mentioned below has a preferential right over the specific immovables of the obligor:

1. Preservation of immovables,
2. Work on immovables;
3 Sale of immovables

[illegible]

Article 327. The preferential right arising from work on an immovable exists, in respect of the cost of work performed in relation to the immovable of the obligor by artisans, technical experts and contractors, over such

immovable.

The preferential right mentioned in the preceding paragraph exists, in cases where the increase in value of the immovable due to such work still subsists, only over such increased value.

Article 328. The preferential right arising from the sale of an immovable exists over the immovable in respect of the price and interest thereon.

Section III. Rank of Preferential Rights

Article 329. In the case of the concurrence of general preferential rights, their rank of priority shall be determined by the order in which they are mentioned in Article 306.

In the case of the concurrence of general preferential rights and special preferential rights, special preferential rights shall take precedence over general preferential rights; but a preferential right arising from expenses for the common benefit shall be preferred as against all obligees benefited thereby.

Article 330. In the case of the concurrence of special preferential rights over one and the same movable, the rank of their priority shall be as follows:

1. The preferential right arising from a lease of immovables, lodging at an inn, and carriage;

2. The preferential right arising from the preservation of movables, but if there have been two or more preservers, a later preserver shall take precedence over an earlier one;

3. The preferential right arising from the sale of a movable, the supply of seeds, seedlings or fertilizers, and agricultural and industrial labour.

If a person having a preferential right of the first rank was aware at the time of the acquisition of his obligation of the existence of a person having a preferential right of the second or third rank, he may not exercise his right of priority as against such person; the same shall apply as against a person who has preserved a thing for the benefit of a person having a preferential right of the first rank.

With regard to fruits, agricultural workers shall have the first rank, suppliers of seeds, seedlings or fertilizers the second, and lessors of land the third.

Article 331. In the case of the concurrence of special preferential rights over one and the same immovable, the rank of their priority shall be determined by the order mentioned in Article 325.

If there have been successive sales of one and the same immovable, the rank of priority of the sellers as between themselves shall be determined by the order of the sales in point of time.

Article 332. If two or more persons have preferential rights of the same rank over the same subject matter, they shall receive performance in proportion to the amount of their respective obligations.

Section IV. Effect of Preferential Rights

Article 333. After the obligor has delivered his movable to a third person who is a purchaser, no preferential right may be exercised in respect of such movable.

Article 334. In the case of the concurrence of a preferential right and a pledge of a movable, the pledge of such movable shall have the same rights as the person having a preferential right of the first rank as mentioned in Article 330.

Article 335. A person having a general preferential right may not receive performance out of immovables, unless he has first resorted to property other than immovables without obtaining full satisfaction.

With regard to immovables performance must first be received out of those which are not the subject of a special security.

If a person having a general preferential right neglects to intervene in the distribution in accordance with the preceding two paragraphs, he may not, to the extent of what he would have recieved through such intervention, exercise his preferential right against a third person who has effected registration.

The provisions of the preceding three paragraphs shall not apply in cases where distribution is to be effected of the price of an immovable prior to that of other property, or where distribution is to be effected of the price of an immovable which is the subject of a special security prior to that of other immovables.

Article 336. A general perferential right, even if no registration has been effected in respect of an immovable, can be set up against an obligee who has no special security; but this shall not apply to a third person who has effected registration.

Article 337. A preferential right arising from the preservation of immovables shall preserve its effect by registration being effected immediately after the act of preservation has been completed.

Article 338. A preferential right arising from work on immovables shall preserve its effect by the registration before the commencement of the work of an estimated amount of such work; but if the cost of the work exceeds the estimated amount, the preferential right shall not exist in respect of the amount in excess.

The amount of increase in value of immovables arising from the work performed must be estimated by an expert appointed by the Court at the time of the intervention in the distribution.

Article 339. A preferential right of which registration has been effected in accordance with the preceding two Articles may be exercised in preference to a hypothec.

Article 340. A preferential right arising from the sale of immovables shall preserve its effect by registration being effected simultaneously with the contract of sale to the effect that the price or interest thereon has not been paid.

Article 341. The provisions relating to hypothecs shall apply with the necessary modifications to the effect of a preferential right, in addition to the provisions of this Section.

Chapter IX Pledge

Section I. General Provisions

[illegible]

Article 343 A thing which is unassignable cannot be made the subject of a pledge

Article 344 The creation of a pledge shall be effected by the delivery to the obligee of the subject matter of the pledge

Article 345 A pledgee cannot let the pledgor hold possession of the thing pledged on his behalf

Article 346 Unless it is otherwise provided by the act of creation, a pledge shall secure the principal, interest, penalty, expense of enforcement of the pledge, expense of preservation of the thing pledged, and the reparation of damage arising from the non-performance of the obligation or from latent defects in the thing pledged

Article 347 A pledgee may retain the thing pledged until he obtains satisfaction of his obligation mentioned in the preceding Article, but this right cannot be set up against any obligee who has priority to him

Article 348 A pledgee may within the duration of [illegible]

Article 349 A pledgor may not, either by the act of creation or by a contract effected before the time when [illegible]

Article 350 The provisions of Articles 298 to 300 and Article 304 shall apply with the necessary modifications to pledges

Article 351 If a person who has created a pledge in order to secure an obligation of another discharges the obligation or loses the ownership of the thing pledged in consequence of the enforcement of the pledge, he is entitled to be indemnified by the obligor in accordance with the provisions relating to suretyship

Section II Pledge of Movables

Article 352 The pledgee of a movable cannot set up his pledge against a third person unless he continuously holds possession of the thing pledged

Article 353 If the pledgee of a movable is deprived of his possession of the thing pledged, he can only recover it by an action for the recovery of possession

Article 354 If the pledgee of a movable does not obtain satisfaction of his obligation, he may apply to the Court to have the thing pledged specifically appropriated to the discharge of the obligation according to the valuation of an expert, provided that there is just reason for doing so In such case the pledgee must give [illegible]

order of their creation

Section III Pledge of Immovables

Article 356 The pledgee of an immovable may use and take the profits of the immovable forming the subject of the pledge, in conformity with its ordinary use

Article 357 The pledgee of an immovable shall pay the expenses of administration and bear all other charges upon such immovable

Article 358 The pledgee of an immovable cannot demand interest on his obligation

Article 359 The provisions of the preceding three Articles shall not apply, if it is otherwise provided by the act of creation

Article 360 The period of duration of the pledge of an immovable cannot exceed ten years If the pledge of an immovable is created for any longer period, the period thereof is reduced to ten years

The creation of the pledge of an immovable may be renewed, but the period cannot exceed ten years from the time of renewal

Article 361 The provisions of the next Chapter shall apply with the necessary modifications to pledges of an immovable, in addition to the provisions of this Section

Section IV Pledge of Rights

Article 362 A property right may be made the subject of a pledge

The provisions of the last three Sections shall apply with the necessary modifications to such pledges as are mentioned in the preceding paragraph, in addition to the provisions of this Section

[illegible]

Article 364 If an obligation with a named obligee has been made the subject of a pledge, the pledge cannot be set up against a garnishee or any other third person unless he has been notified of the creation of the pledge in accordance with the provisions of Article 467, or unless he has given his consent thereto

The provisions of the preceding paragraph shall not apply to name shares

Article 365 If a name debenture has been made the subject of a pledge, the pledge cannot be set up against the company or any other third person unless the creation

of the pledge has been entered in the books of the company in accordance with the provisions relating to the transfer of the debenture.

Article 366. If an obligation to order has been made the subject of a pledge, the pledge cannot be set up against a third person unless its creation is indorsed on the instrument.

Article 367. A pledgee may directly obtain performance of the obligation which is the subject of the pledge.

If the subject matter of an obligation is money, the pledgee may only obtain payment of such portion thereof as corresponds to the amount of his own obligation.

If the obligation mentioned above has become due earlier than the pledgee's obligation, the pledgee may require the garnishee to deposit the amount payable with the competent authorities. In such case the pledge shall exist over the money so deposited.

If the subject matter of an obligation is not money, the pledgee shall have a pledge over any thing received by way of performance.

Article 368. In addition to the method provided in the preceding Article a pledgee may enforce his pledge by way of compulsory execution as provided in the Code of Civil Procedure.

Chapter X. Hypothec

Section I. General Provisions

Article 369. A hypothecary obligee is entitled to obtain satisfaction of his obligation in preference to other obligees out of an immovable which has been furnished by the obligor or a third person as security for the obligation without transferring its possession.

A superficies and an emphyteusis may also be made the subject of a hypothec. In such case the provisions of this Chapter shall apply with the necessary modifications.

Article 370. A hypothec shall extend to all things, except buildings on the land hypothecated which are affixed to and incorporated with the immovable which is the subject of the hypothec. But this shall not apply in cases where it is otherwise provided by the act of creation or where the obligee can avoid the act of the obligor in accordance with the provisions of Article 424.

Article 371. The provisions of the preceding Article shall not apply to fruits, except after an attachment has been effected of the immovable hypothecated or after a third person who is a purchaser has received the notice mentioned in Article 381.

If a third person who is a purchaser has received the notice mentioned in Article 381 the latter part of the preceding paragraph shall apply in cases where an attachment of the immovable hypothecated has been effected within one year thereafter.

Article 372. The provisions of Articles 296, 304 and 351 shall apply with the necessary modifications to hypothecs.

Section II. Effect of Hypothec

Article 373. If several hypothecs have been created over one and the same immovable to secure two or more obligations, their rank of priority shall be determined by the order of their registration.

Article 374. If a hypothecary obligee is entitled to demand interest or any other money required to be paid periodically, he can enforce his hypothec only as regards the payments due in respect of the last two years; but if in regard to such payments due in respect of periods previous thereto special registration has been effected after they have matured, the right may also be exercised in respect of them as from the time of such registration.

If the hypothecary obligee has a right to demand the reparation of damage arising from the non-performance of the obligation, the provisions of the preceding paragraph shall apply as regards so much thereof as is attributable to the last two years; but the damages together with interest and other periodical payments may not exceed the amount due in respect of the two years.

Article 375. A hypothecary obligee may make his hypothec security for another obligation or may assign or waive the hypothec or its rank of priority for the benefit of another obligee against the same obligor.

If in the case mentioned in the preceding paragraph the hypothecary obligee has disposed of his hypothec for the benefit of two or more persons the rank of priority of the rights of the persons benefited by such disposal shall be determined by the order in time of the additional entries effected in the registration of the hypothec.

Article 376. In the case mentioned in the preceding Article the disposal of the hypothec cannot be set up against the principal obligor surety, or hypothecator, or their successors in title unless the obligor has been notified of such disposal or has given his consent thereto in accordance with the provisions of Article 467.

If the principal obligor has received the notice or has given his consent, as mentioned in the preceding paragraph, no performance effected without the consent of the person benefited by the disposal of the hypothec can be set up against such person.

Article 377. If a third person who has bought the ownership of, or a superficies in, a hypothecated immovable pays its price to the hypothecary obligee upon the demand of the latter, the hypothec shall be extinguished in favour of such third person.

Article 378. A third person who has acquired the ownership of, or a superficies or emphyteusis in, a hypothecated immovable may discharge the hypothec by paying or depositing with the competent authorities the amount tendered to the hypothecary obligee and consented to by the latter in accordance with provisions of

Article 379 The principal obligor, surety and their successors in title cannot discharge a hypothec

Article 380 A third person who is a purchaser subject to a suspensive condition cannot discharge a hypothec during the pendency of the condition

Article 381. If a hypothecary obligee wishes to enforce his hypothec he must in advance give notice thereof to such third person as mentioned in Article 378

Article 382. A third person who is a purchaser may discharge a hypothec at any time before receiving the notice mentioned in the preceding Article

If a third person who is a purchaser has received the notice mentioned in the preceding Article, he cannot discharge the hypothec unless he effects the service mentioned in the following Article within one month

A third person who has acquired any of the rights mentioned in Article 378 after the notice mentioned in the preceding Article has been given, can discharge the hypothec only within the period during which such purchaser as is mentioned in the preceding paragraph is entitled to do so

Article 383 When a third person who is a purchaser wishes to discharge a hypothec, he must serve the following documents upon each of the registered obligees

1 A document specifying the mode and date of acquisition, the names and permanent residences of the assignor and of the purchaser, the nature and location of the immovable hypothecated, and the price and other charges to be borne by the purchaser,

2 A copy of the Register relating to the immovable hypothecated provided that registrations relating to rights already extinguished need not be mentioned therein,

3 A document stating that in case the obligees do not within one month in accordance with the following Article demand a sale by official auction at a higher price, the third person who is the purchaser will pay or deposit with the competent authorities, in accordance with the rank of priority of the obligations, the price mentioned in No 1 or an amount specially designated

Article 384 If an obligee does not demand the sale by official auction at a higher price within one month after he has received the service mentioned in the preceding Article, he shall be deemed to have given his consent to the tender made by the third person who is the purchaser

A demand for a sale by official auction at a higher price, must be made against the third person who is the purchaser and be accompanied by a statement to the effect that in case the immovable hypothecated cannot at the official auction be sold at a price not less than ten percent higher than the amount tendered by the third person who is the purchaser, the obligee will himself purchase the immovable at a price ten percent higher

In the case mentioned in the preceding paragraph, the obligee must furnish security for the price and expenses.

Article 385 When an obligee demands a sale by official auction at a higher price, he must within the period specified in the preceding Article give notice thereof to the obligor and to the assignor of the immovable hypothecated

Article 386 An obligee who has demanded a sale by official auction at a higher price may not revoke demand without obtaining the consent of the other registered obligees

Article 387 If the hypothecary obligee has not within the period specified in Article 382 received performance of the obligation or a notice of discharge from a third person who is a purchaser, he may demand a sale by official auction of the immovable hypothecated

Article 388 If, in cases where the land and the building on it belong to one and the same owner, either the land only or the building only has been hypothecated, the hypothecator shall be deemed to have created a superficies for the case of sale by official auction, in such case the rent shall be determined by the Court on the [illegible]

respect of the price of the land

Article 390 A third person who is a purchaser may be a bidder at the official auction

Article 391 If a third person who is a purchaser has incurred necessary or advantageous expenses in respect of the immovable hypothecated, he may obtain reimbursement out of the price of the immovable in preference to all others, according to the distinctions mentioned in Article 196

Article 392 If, in cases where an obligee has a hypothec over two or more immovables as security for one and the same obligation, the proceeds are to be distributed at the same time, the burdens in respect of the obligation shall be divided in proportion to the value of each immovable.

If the proceeds of only one of the immovables are to be distributed, the hypothecary obligee may obtain full satisfaction of his obligation out of the proceeds, in such case the hypothecary obligee who is next in rank may enforce his hypothec by way of subrogation to the extent of the amount which the prior hypothecary obligee would have received out of the other immovables in accordance with the provisions of the preceding paragraph.

Article 393 A person who enforces a hypothec by subrogation may have an additional entry of such subrogation effected in the registration of the hypothec.

Article 394 A hypothecary obligee may obtain satisfaction of his obligation out of other property only in

respect of that portion of the obligation which has not been satisfied out of the price of the immovable hypothecated.

The provisions of the preceding paragraph shall not apply in cases where the proceeds of other property are to be distributed prior to the price of the immovable hypothecated; but each of the other obligees may demand, in order to cause the hypothecary obligee to obtain satisfaction in compliance with the provisions of the preceding paragraph, that the amount to be distributed to the hypothecary creditor be deposited with the competent authorities.

Article 395. A lease not exceeding the period mentioned in Article 602 can be set up against the hypothecary obligee even if registration has been effected after that of the hypothec; but if the lease would cause damage to the hypothecary creditor, the Court may on application of the latter order its rescission.

Section III. Extinction of Hypothec

Article 396. A hypothec shall not be extinguished by prescription in respect to the obligor and the hypothecator except simultaneously with the obligation which it secures.

Article 397. If a person other than the obligor or the hypothecator has held possession of the immovable hypothecated so as to fulfil the conditions necessary for acquisitive prescription, the hypothec shall be extinguished thereby.

Article 398. Even though a person who has hypothecated a superficies or emphyteusis may have renounced his rights, such renunciation cannot be set up against the hypothecary obligee.

Book III
Obligations

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Chapter I. General Provisions

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Article 400. If the subject of an obligation is the delivery of a specific thing, the obligor is bound to preserve such thing with the care of a good manager until it is delivered.

Article 401. If, in cases where the subject matter of an obligation is indicated in specie only, its quality cannot be determined by the nature of the juristic act or by the intention of the parties, the obligor is bound to deliver a thing of medium quality.

If in the cases mentioned in the preceding paragraph the obligor has performed all acts that are necessary for the delivery of a thing or has with the consent of the obligee designated a thing to be delivered, such thing shall thenceforth constitute the subject matter of the obligation.

Article 402. If the subject matter of an obligation is money, the obligor may at his option effect payment in currency of any kind; but this shall not apply in cases where the delivery of a specific kind of currency is made the subject of an obligation.

If the specific kind of currency which forms the subject

of an obligation has ceased to be effective as legal tender at the time when the obligation becomes due, *the obligor* is bound to effect payment in some other currency

[illegible]

obligation

Article 403 *If the amount of an obligation is designated* in foreign currency, the obligor may effect payment in Japanese currency at the rate of exchange current at the place of performance

Article 404 If no different declaration of intention has been made in respect of an obligation bearing interest, *the rate of interest shall be five per cent per annum*

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Article 406 If the subject of an obligation is to be determined by means of an election from among two or more acts of performance, the right of election shall vest in the obligor

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The declaration of intention mentioned in the preceding paragraph cannot be revoked without the consent of the other party

Article 408 If, in cases where an obligation is due, the party having a right of election fails, notwithstanding that the other party has given a peremptory notice by fixing a reasonable period, to effect the election with such period, the right of election shall vest in the other party

Article 409 In cases where an election is to be made by a third person, such election shall be effected by a declaration of intention made either to the obligee or to the obligor

If the third person cannot effect the election or is unwilling to do so, the right of election shall vest in the obligor

Article 410 If among the acts of performance which are to form the subject of an obligation some have either been impossible from the beginning or have subsequently become impossible, the obligation shall exist in respect of the remaining acts

The provisions of the preceding paragraph shall not apply, if any act of performance has become impossible by reason of the fault of the party who has not the right of election

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Section II Effect of Obligations

Article 412 If a time certain has been fixed for the performance of an obligation, the obligor shall be *responsible for delay as from the time when such time* has arrived

If a time uncertain has been fixed for the performance of an obligation, the obligor shall be responsible for delay as from the time when he has become aware of the arrival of such time

If no time has been fixed for the performance of an obligation, the obligor shall be responsible for delay as from the time when a demand for performance has been made upon him

Article 413 If an obligee refuses to accept performance of an obligation or is unable to accept it, such *obligee shall be responsible for delay as from the time* when the performance has been tendered

Article 414 If an obligor does not voluntarily perform his obligation, the obligee may apply to the Court for compulsory performance thereof, but this shall not apply in cases where the nature of an obligation does not *so admit*

If, in cases where the nature of an obligation does not admit of compulsory performance, the subject of the obligation is an act, the obligee may apply to the Court to have it effected by a third person at the expense of the obligor, but with regard to an obligation having a *juristic act for its subject, a decision of the Court may be* substituted for a declaration of intention by the obligor

With regard to an obligation having forbearance for its subject, the obligee may demand that what has been done by the obligor be removed at the latter's expense and that proper measures be adopted for the future

The provisions of the three preceding paragraphs shall not affect a demand for damages

Article 415 If an obligor fails to effect performance in accord with the tenor and purport of an obligation, the obligee may demand damages, the same shall apply in cases where performance becomes impossible for any *cause for which the obligor is responsible.*

Article 416 A demand for damages has for its object the reparation by the obligor of such damage as would ordinarily arise from the non-performance of an obligation

The obligee may demand compensation also for damage which has arisen through special circumstances, if the parties have foreseen or could have foreseen the circumstances

Article 417 In the absence of any different indication of intention, the amount of damages shall be assessed in money.

Article 418 If there is any fault on the part of an obligee in regard to the non-performance of an obligation, the Court shall take it into account in determining whether or not a liability for damages exists and in assessing the amount of the damages

Article 419 The amount of damages in respect of the non-performance of an obligation having money for its

subject shall be determined by the legal rate of interest; but in case the rate agreed upon exceeds the legal rate it shall be determined by the former.

With regard to the damages mentioned in the preceding paragraph, the obligee is not bound to prove the damage nor may the obligor set up this as a defence.

Article 420. The parties may determine in advance the amount of damages payable in the event of the non-performance of an obligation; in such case the Court cannot increase or reduce the amount.

The determination in advance of the amount of damages shall not affect a demand for performance or for rescission.

A penalty shall be presumed to be a determination in advance of the amount of damages.

Article 421. The provisions of the preceding Article shall apply with the necessary modifications in cases where the parties have agreed beforehand that something other than money shall be appropriated towards the compensation for damage.

Article 422. If an obligee has received by a way of damages the full value of the thing or right which forms the subject of his obligation, the obligor shall by operation of law be subrogated into the position of the obligee in respect of such thing or right.

Article 423. An obligee may, in order to protect his obligation, exercise rights belonging to the obligor, but this shall not apply in respect of such rights as are strictly personal to the obligor.

So long as the obligation is not yet due, the obligee cannot exercise the rights mentioned in the preceding paragraph except by judicial subrogation; but this shall not apply in respect of an act of preservation.

Article 424. An obligee may apply to the Court for the avoidance of a juristic act effected by the obligor with knowledge that it would prejudice the obligee; but this shall not apply in cases where a person who has derived benefit from such act or a subsequent purchaser was, at the time of the act or of the subsequent purchase, unaware of the fact that it would prejudice the obligee.

The provisions of the preceding paragraph shall not apply to a juristic act which has not a property right for its subject.

Article 425. An avoidance effected in accordance with the provisions of the preceding Article shall take effect for the benefit of all the obligees.

Article 426. The right of avoidance mentioned in Article 424 shall be extinguished by prescription, if the obligee fails to exercise it within two years from the time when he became aware of the cause for avoidance; the same shall apply if twenty years have elapsed from the time when the act was done.

Section III. Obligations with a Plurality of Parties

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Article 427. If there exist two or more obligees or two or more obligors, each obligee or obligor shall, in the absence of any different declaration of intention, possess rights or assume duties in equal proportions.

Sub-Section II. Indivisible Obligations

Article 428. If, in cases where the subject of an obligation is indivisible in its nature or by a declaration of intention by the parties, there exist two or more obligees, each obligee may demand performance on behalf of all the obligees, and each obligor may effect performance to any obligee on behalf of all the obligees.

Article 429. Even if a novation or a release has been effected between one of the obligees and the obligor in respect of an indivisible obligation, the other obligees may demand performance of the entire obligation; but they must make reimbursement to the obligor in respect of the benefit which would have accrued to such obligee if he had not lost his right.

Apart from the above, an act effected by one of the obligees in respect of an indivisible obligation, or any fact which has occurred in regard to one of such obligees shall not be effective in respect of the other obligees.

Article 430. In cases where two or more persons assume an indivisible obligation, the provisions of the preceding Article and of those relating to joint and several obligations, with the exception of Articles 434 to 440, shall apply with the necessary modifications.

Article 431. If an indivisible obligation is converted into a divisible obligation, each obligee may demand performance only in respect of his own share, and each obligor shall be liable for the performance only in respect of the share incumbent upon himself.

Sub-Section III. Joint and Several Obligations

Article 432. If two or more persons assume a joint and several obligation, the obligee may demand performance, in whole or in part, against one of the obligors or against all of them simultaneously or in succession.

Article 433. The existence of any ground for the nullity or avoidance of a juristic act in respect to one of obligors jointly and severally liable shall not prejudice the validity of the obligation incumbent upon the others.

Article 434. A demand for performance made upon one of obligors jointly and severally liable shall be effective as against the others.

Article 435. If a novation has been effected between one of obligors jointly and severally liable and the obligee, the obligation shall be extinguished in favour of all the obligors.

Article 436. If, in cases where one of obligors jointly and severally liable has an obligation against the obligee, the obligor pleads a set-off, the obligation shall be extinguished in favour of all the obligors.

So long as the obligor who has the obligation mentioned above does not plead a set-off, the other obligors can plead it only in respect of the share incumbent upon such obligor.

Article 437. A release effected to one of obligors jointly and severally liable shall be effective in favour of

the others only in respect of the share incumbent upon such obligor

Article 438 If a merger has taken place as between one of obligors jointly and severally liable and the obligee, such obligor shall be deemed to have effected performance

Article 439. If prescription has been completed in [illegible]

tioned in the preceding six Articles, facts which occur with respect to one of obligors jointly and severally liable shall not be effective in respect to the other obligors

Article 441. If all of obligors jointly and severally liable, or several of them, have been adjudged bankrupt, the obligee may intervene in the distribution of each [illegible]

obligors, he is entitled to contribution from the others in proportion to their respective shares

The contribution mentioned in the preceding paragraph shall include legal interest as from the day of performance or of any other discharge, the reimbursement of such expenses as were unavoidable, and the [illegible]

obligor in fault may demand performance from the obligee of the obligation which might have been extinguished by the set-off

If, in consequence of the neglect of one of obligors jointly and severally liable to notify the others that he has effected performance or otherwise procured at his own expense the discharge of all the obligors, any other obligor has in good faith effected performance to the obligee or otherwise procured a discharge for value, such latter obligor may treat his performance or other act of discharge as effective

Article 444 If one of obligors jointly and severally liable has not sufficient means to make contribution, the part which he is unable to pay, shall be borne by the person demanding contribution and the other solvent obligors in proportion to their respective shares, but in case the party demanding contribution is in fault, he cannot demand that the other obligors shall bear their proportions

Article 445 If, in cases where one of obligors jointly and severally liable has obtained a release from their joint liability, any of the other obligors has not sufficient means to perform, the obligee shall bear the part incumbent upon the person who has obtained the release, in respect of the part which the insolvent person is unable to perform

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Article 446 A surety is bound to perform an obligation in cases where the principal obligor fails to perform it

Article 447 The suretyship obligation shall include interest on the principal obligation, any penalty, any damages and all other charges incidental to the obligation

A surety may stipulate for the amount of a penalty or of damages to attach in respect of his own suretyship obligation only

Article 448 If the burden of a surety is more onerous than that of the principal obligor either as to its subject or its terms, it shall be reduced to the extent of the principal obligation

Article 449 If a person who has become surety on an obligation which is voidable by reason of incapacity [illegible]

subject in the event of non-performance by the principal obligor or avoidance of the obligation

Article 450 In cases where an obligor is bound to furnish a surety, such surety must be a person who fulfils *the following conditions*

1 That he is a person of full capacity,

2 That he has sufficient means to effect performance,

If the surety ceases to fulfil the conditions specified in No 2 of the preceding paragraph, the obligee may demand that some other person fulfilling the conditions mentioned in the preceding paragraph be substituted for him

The provisions of the preceding two paragraphs shall not apply in cases where the obligee has designated the surety

Article 451 If an obligor is unable to furnish a surety fulfilling the conditions specified in the preceding Article, he may furnish other security in lieu thereof.

Article 452. If an obligee had demanded performance of the obligation from the surety, the latter may demand that a peremptory notice be first given to the principal obligor, but this shall not apply in cases where the principal obligor has been adjudged bankrupt or his whereabouts is unknown

Article 453 Even after the obligee has given a peremptory notice to the principal obligor in accordance with the provisions of the preceding Article, the obligee must first levy execution on the property of the principal *obligor in cases* where the surety has established that the

principal obligor has sufficient means to effect performance and that the execution would be easily effected.

Article 454. If a surety has assumed an obligation jointly and severally with the principal obligor, he shall not possess the rights mentioned in the preceding two Articles.

Article 455. If a creditor fails to give a demand notice or to levy execution despite a demand by the surety in accordance with the provisions of Articles 452 and 453, and full performance is not subsequently obtained from the principal debtor, the surety is released from liability to the extent to which performance could have obtained if a demand notice had been given or execution levied forthwith.

Article 456. When there are two or more sureties, the provisions of Article 427 apply even if each of them has assumed the obligation by a separate act.

Article 457. Demand for performance or other interruption of prescription against a principal debtor also takes effect against the surety.

A surety may avail himself of a claim by the principal debtor against the creditor as a set-off against the creditor.

Article 458. If a principal debtor and a surety are jointly bound to an obligation, the provisions of Articles 434 to 440 apply.

Article 459. If, in cases where a surety has become such at the request of the principal obligor, he has, without fault on his part, had a judgment ordering performance to the obligee pronounced against him or has effected performance on behalf of the principal obligor or has at his own expense performed any other act causing the obligation to be extinguished, such surety shall have a right to be indemnified by the principal obligor.

The provisions of Article 442, paragraph 2, shall apply with the necessary modifications to the cases mentioned in the preceding paragraph.

Article 460. If a surety has become such at the request of the principal obligor, he may in anticipation exercise his right to indemnity against the principal obligor in the following cases:

1. If the principal obligor has been adjudged bankrupt, and the obligee does not intervene in the distribution of his assets;

2. If the obligation is due; but no time granted by the obligee to the principal obligor, after the conclusion of the contract of suretyship, can be set up against the surety;

3. If ten years have elapsed after the conclusion of the contract of suretyship, in cases where the time for the performance of the obligation is uncertain and even its maximum duration is unascertainable.

Article 461. If a principal obligor indemnifies the surety accordance with the provisions of the preceding two Articles, he may, so long as the obligee has not received full performance, require the surety to furnish security or demand from him that the discharge of his obligation be procured.

In the case mentioned above, the principal obligor may relieve himself of his liability for indemnification by effecting a deposit with the competent authorities or by furnishing security or by procuring the discharge of the surety.

Article 462. If a person who has become surety without the request of the principal obligor has performed the obligation or has otherwise at his own expense procured the discharge of the principal obligor, the latter is bound to effect indemnification to the extent that he was enriched at the time of discharge.

A person who has become surety against the will of the principal obligor is entitled to indemnity only to the extent that the latter is still being enriched; but if the principal obligor sets up the fact that he had a ground for set-off on or before the day on which indemnification was demanded, the surety may demand performance by the obligee of the obligation which would have been extinguished by such set-off.

Article 463. The provisions of Article 443 shall apply with the necessary modifications to a surety.

The provisions of Article 443 shall also apply with the necessary modifications to the principal obligor in cases where a surety who has become such at the request of the former has, in good faith, effected performance or incurred expenses for the purposes of discharge.

Article 464. A person who has become surety for one of obligors jointly and severally liable or for one of a number of obligors in respect of an indivisible obligation is entitled to indemnity from the other obligors only in proportion to their respective shares.

Article 465. If, in cases where there exist two or more sureties, one of the sureties has discharged the entire amount or an amount in excess of his share in the obligation because of the indivisibility of the principal obligation or because of a special agreement that one of the sureties is to discharge the entire amount, the provisions of Articles 442 to 444 shall apply with the necessary modifications.

If, in a case other than those mentioned in the preceding paragraph, one of the sureties not jointly and severally bound has discharged the entire amount or an amount in excess of his share in the obligation, the provisions of Article 462 shall apply with the necessary modifications.

Section IV. Assignment of Obligations

Article 466. An obligation may be assigned unless its nature does not so admit.

The provisions of the preceding paragraph shall not apply in cases where the parties have declared a contrary intention; such declaration of intention, however, cannot be set up against a third person acting in good faith.

Article 467. The assignment of an obligation with a named obligee cannot be set up against the obligor or any other third person, unless the assignor has given notice

thereof to the obligor or the obligor has given his consent thereto [illegible]

[illegible]

Article 468 If the other has given his consent as mentioned in the preceding Article without reserving any objection, he cannot set up against the assignee any such defence as he could have set up against the assignor, [illegible]

If the assignor has merely given notice of the assignment, the obligor may set up against the assignee any defence which has arisen against the assignor prior to the receipt of the notice

Article 469 The assignment of an obligation to order cannot be set up against the obligor or any other third person, unless an indorsement of such assignment has been made on the instrument and the instrument itself has been delivered to the assignee

Article 470 The obligor on an obligation to order has the right, but is not under any duty, to verify the identity of the holder of the instrument and the genuineness of the signature or seal, but if the obligor acts in bad faith or with gross negligence, performance made by him shall be null and void

Article 471 The provisions of the preceding Article shall apply with the necessary modifications in cases where the obligee is named in the instrument, but with an additional statement that the performance shall be effected to the holder of the instrument

Article 472 The obligor on an obligation to order cannot set up against an assignee in good faith any defence which might have been available against the original obligee, except such matters as are mentioned in the instrument and such results as arise necessarily from the nature of the instrument itself

Article 473 The provisions of the preceding Article shall apply with the necessary modifications to obligations to bearer

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Sub-Section I Performance

Article 474 The performance of an obligation may be effected by a third person, unless its nature does not so admit or the parties have declared a contrary intention.

A third person devoid of interest cannot effect performance against the will of an obligor

Article 475 If a person effecting performance has delivered a thing belonging to another, he cannot recover such thing, unless he effects a valid performance anew.

Article 476 In cases where the owner of a thing who has no capacity to assign it has delivered it by way of performance, and has then avoided such performance, he cannot recover such thing, unless he effects a valid performance anew

Article 477 If, in the cases mentioned in the preceding two Articles, the obligee has consumed or assigned in good faith the thing which he has received by way of performance, the performance shall be effective, but this shall not prejudice the obligee's right to demand reimbursement from the person effecting performance in cases where the obligee has been called upon by a third person to make compensation

Article 478 A performance made to a quasi-possessor of an obligation shall be effective only if the person effecting performance was in good faith

Article 479 Except in the case mentioned in the preceding Article, a performance made to a person who is not authorized to accept it, shall be effective only to the extent that the obligee has been enriched thereby

Article 480 The bearer of a receipt shall be deemed to be authorized to accept performances, but this shall not apply in cases where the person effecting performance was aware, or was unaware through his negligence, that such bearer had no such authority

Article 481 If a garnishee who has been forbidden by the Court to do so nevertheless effects performance to his obligee, the garnisher may demand from the garnishee that a performance be effected anew to the extent to which the former has sustained damage

[illegible]

have the same effect as the latter

Article 483 If an obligation has for its subject the delivery of a specific thing, the person effecting performance must deliver such thing in the condition in which it exists at the time when the delivery thereof is to be effected

Article 484. In the absence of any different declaration of intention as to the place of performance, the delivery of a specific thing must be effected at the place where the thing existed when the obligation arose, and all other kinds of performance must be effected at the [illegible]

obligee has increased the expenses of performance by changing his permanent residence or by any other act, the amount of this increase shall be borne by the obligee.

Article 486 A person effecting performance may demand the delivery of a receipt from the person accepting performance.

Article 487. If there exists a document evidencing the

obligation, the person effecting performance in full may demand the return of such document.

Article 488. If, in cases where an obligor owes to one and the same obligee two or more obligations whose subject is of the same kind, the act of performance tendered by way of discharge of the obligations is insufficient to extinguish all of them, the person effecting performance may, at the time of his performance, designate the obligation to which it shall be appropriated.

If the person effecting performance makes no such designation as is mentioned in the preceding paragraph, the person accepting the performance may at the time of such acceptance effect the appropriation of such performance; but this shall not apply in cases where the person effecting performance has immediately made an objection to such appropriation.

In the cases mentioned in the preceding two paragraphs appropriation of performance shall be effected by a declaration of intention made to the other party.

Article 489. If the parties effect no appropriation of performance, it shall be appropriated in accordance with the following provisions:

1. When among all the obligations there exist some which are due and others which are not due, the former shall be preferred;

2. If all the obligations are due or all are not due, those the discharge of which is most advantageous to the obligor shall be preferred;

3. If the advantage which the obligor has in the discharge of the obligations is equal, those which have first become due or those which are first to become due shall be preferred;

4. The performance of obligations which are equal in respect of the particulars mentioned in the preceding two heads shall be appropriated in proportion to the amount of each obligation.

Article 490. The provisions of the preceding two Articles shall apply with the necessary modifications, if in cases where two or more acts of performance are to be effected for the discharge of one obligation, those acts of performance which have been effected are insufficient to extinguish the entire obligation.

Article 491. If, in cases where in respect of one or more obligations the obligor is bound to pay interest and expenses in addition to the principal, the performance which has been effected is insufficient to extinguish the entire obligation, it must be appropriated in a successive order to the expenses, the interest and the principal.

The provisions of Article 489 shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 492. A tender of performance shall relieve the obligor as from the time of such tender from all liabilities arising from nonperformance.

Article 493. A tender of performance must be actually effected in accord with the tenor and purport of the obligation; but if the obligee has previously refused its acceptance or if an act of the obligee is required for the performance of the obligation, it shall be sufficient to give a peremptory notice for its acceptance notifying that all preparations have been made for performance.

Article 494. If the obligee refuses to accept performance or is unable to accept it, the person effecting performance may relieve himself of his obligation by depositing with the competent authorities for the benefit of the obligee the subject matter of the obligation. The same shall apply in cases where without any fault on the part of the person effecting performance the obligee cannot be ascertained.

Article 495. The deposit must be effected at the Deposit Office of the place where the obligation is to be performed.

If no special provision is made by laws or ordinances with regard to the Deposit Office, the Court must on the application of the person effecting performance designate a Deposit Office and appoint a custodian of the thing deposited.

The depositor must without delay give notice of the deposit to the obligee.

Article 496. So long as the obligee has not given his consent to the deposit or so long as a judgment declaring the deposit as effective has not become finally binding, the person effecting the performance may recover the thing deposited; in such case the deposit shall be deemed not to have been made.

The provisions of the preceding paragraph shall not apply in cases where a pledge or a hypothec has been extinguished by deposit with the competent authorities.

Article 497. If the subject-matter of performance is unfit for deposit with the competent authorities or if there is reason to apprehend that the thing will perish or be damaged, the person effecting performance may, with the permission of the Court, sell it by official auction and deposit the proceeds with the competent authorities. The same shall apply in cases where the expense of the preservation of the thing would be excessive.

Article 498. In cases where the obligor is bound to perform against an act of performance by the obligee, the latter cannot take delivery of the thing deposited unless he effects performance.

Article 499. A person who has effected performance on behalf of an obligor may be subrogated into the position of the obligee with the consent of the latter obtained simultaneously with such performance.

The provisions of Article 467 shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 500. A person who has a legitimate interest in effecting performance, shall, by virtue of such performance, be by operation of law subrogated into the position of the obligee.

Article 501. A person who is subrogated into the

[illegible]

1 A surety is not subrogated into the position of the obligee as against a third person who is a purchaser of an immovable which forms the subject of a preferential right or of a pledge or of a hypothec, unless an additional entry of such subrogation has been effected in advance in the registration of the preferential right or of the pledge or of the hypothec,

2 A third person who is a purchaser is not subrogated into the position of the obligee as against a surety,

3 One of several third persons who are purchasers is subrogated into the position of the obligee as against the other purchasers only in proportion to the value of each immovable,

4 The provisions of the preceding head shall apply with the necessary modifications as between persons who have furnished their own property as security for the obligation of another,

5 As between a surety and a person who has furnished his own property as security for the obligation of another, subrogation into the position of the obligee shall not take place except per capita, if, however, there exist two or more persons who have furnished their own property as security for the obligation of another, the subrogation shall take place only in respect of the balance after deducting the share to be borne by the surety, and in proportion to the value of each property

If in the cases mentioned above the property is an immovable, the provisions of Head No 1 shall apply with the necessary modifications

Article 502 If performance involving subrogation takes place in respect of a part of an obligation, the person subrogated shall exercise his rights concurrently with the obligee in proportion to the value of the performance effected by him

In the case mentioned in the preceding paragraph the rescission of the contract by reason of non-performance of the obligation may be demanded by the obligee only, but he must reimburse the person subrogated for the value of the performance effected by the latter and interest thereon

Article 503 An obligee who has obtained the entire discharge of the obligation by performance involving subrogation must deliver to the person subrogated all documents relating to the obligation and things held in his possession as security

In cases where performance involving subrogation has taken place in respect of a part of the obligation, the obligee must insert the fact of subrogation in the documents relating to the obligation and must allow the person subrogated to supervise the preservation of the things held in his possession as security

Article 504 If, in cases where there exists a person who is to be subrogated in accordance with the provi- [illegible]

as it has by reason of such loss or diminution become impossible for him to reimburse himself

Sub-Section II Set-Off

Article 505 If two persons are bound to each other by obligations whose subject is of the same kind and both of which are due, each obligor may be relieved of his obligation by a set-off to the extent of the amount corresponding to that of his obligation unless the nature of the obligations does not so admit

The provisions of the preceding paragraph shall not apply in cases where the parties have declared an intention to the contrary, but such declaration of intention cannot be set up against a third person acting in good faith

Article 506 A set-off shall be effected by means of a declaration of intention made by one party to the other, but neither may a condition be attached to, nor may a time be fixed, with regard to such declaration of intention

The declaration of intention mentioned in the preceding paragraph takes effect retroactively as from the time when both obligations could have been set-off against each other

Article 507 A set-off may be effected even though the obligations on both sides are to be performed in different places, but the party who effects the set-off must compensate the other party for any damage which has arisen therefrom

Article 508 The obligee may set-off an obligation, which is extinguished by prescription, if it could have been set-off prior to its extinction

Article 509 If an obligation has arisen from an unlawful act, the obligor cannot avail himself of a set-off against the obligee

[illegible] hich the at- [illegible] avail him- [illegible] prohibited from payment by the Court cannot set-off as against the garnisher an obligation subsequently acquired by him.

Article 512 The provisions of Articles 488 to 491 shall apply with the necessary modifications to a set-off.

Sub-Section III. Novation

Article 513 If the parties have entered into a contract by which the essential elements of the obligation are modified, such obligation shall be extinguished by novation.

The removal or addition of a condition and any alteration effected in a condition shall be deemed to be a modification of the essential elements of the obligation. The

same shall apply to the issue of a bill of exchange in lieu of the performance of an obligation.

Article 514. A novation by a change of obligors may be effected by a contract between the obligee and the new obligor, but not against the will of the original obligor.

Article 515. A novation by a change of obligees cannot be set up against a third person, unless it has been effected by a document bearing an incontrovertible date.

Article 516. The provisions of Article 468, paragraph 1, shall apply with the necessary modifications to a novation by a change of obligees.

Article 517. If the obligation to arise from a novation has not come into existence or has been avoided by reason of illegality or of any circumstance of which the parties are unaware, the original obligation shall not be extinguished.

Article 518. The parties to a novation may, to the extent of the subject of the original obligation, transfer to the new obligation pledges and hypothecs furnished as security for the original obligation; but if they have been furnished by a third person, his consent must be obtained.

Sub-Section IV. Release

Article 519. If the obligee declares to the obligor his intention to release the obligor from the obligation, such obligation shall be extinguished.

Sub-Section V. Merger

Article 520. If an obligatory right and an obligatory duty become vested in one and the same person, the obligatory right forms the subject of a right belonging to a third person.

Chapter II. Contract

Section I. General Provisions

Sub-Section I. Formation of Contract

Article 521. An offer to enter into a contract made with the specification of a period for acceptance cannot be revoked.

If the offeror does not receive notice of acceptance within the period mentioned in the preceding paragraph, the offer shall lapse.

Article 522. Even in cases where notice of acceptance has arrived after the expiration of the period mentioned in the preceding Article, if the offeror could have known that it was despatched at such a time that in normal circumstances it would have arrived within such period, the offeror is bound to despatch without delay to the person to whom the offer has been made, notice of the delayed arrival, unless notice of the delay has already been despatched by him before its arrival.

If the offeror neglects to give the notice mentioned in the preceding paragraph, the notice of acceptance shall be deemed not to have been delayed.

Article 523. The offeror may treat a delayed acceptance as a new offer.

Article 524. An offer which has been made inter absentes without any specification of a period for acceptance, cannot be revoked before the expiration of such a period as is reasonably necessary for the offeror to receive the notice of acceptance.

Article 525. The provisions of Article 97, paragraph 2, shall not apply in cases where the offeror has declared an intention to the contrary or where the other party was aware of his death or of his loss of capacity.

Article 526. A contract inter absentes comes into existence at the time when notice of acceptance is despatched.

In cases where no notice of acceptance is necessary either by reason of a declaration of intention to that effect by the offeror or by reason of business usage, the contract comes into existence at the time when any fact takes place which can be taken as a declaration of intention to accept.

Article 527. Even in cases where notice of the revocation of an offer has arrived after notice of acceptance has been despatched, if the acceptor could have known that it was despatched at such a time that in normal circumstances it would have arrived before the despatch of notice of acceptance, the acceptor is bound to despatch without delay notice of the delayed arrival to the offeror.

If the acceptor neglects to give the notice mentioned in the preceding paragraph, no contract shall be deemed to have come into existence.

Article 528. If the acceptor accepts an offer but subject to a condition or with any other modification, he shall be deemed to have made a new offer concurrently with a rejection of the original offer.

Article 529. A person who advertises that he will give a certain reward to any person who performs a certain act is bound to give such reward to the person who has performed the act.

Article 530. In the case mentioned in the preceding Article the advertiser may, so long as no person has yet completely performed the designated act, revoke the advertisement in the same manner in which it has been made, unless it has been indicated in the advertisement that no revocation will be effected.

If revocation cannot be effected in the manner prescribed in the preceding paragraph, it may be effected in any other manner; such revocation, however, shall be effective only as against persons who have become aware thereof.

If the advertiser has determined a period within which the act specified by him is to be performed, he shall be presumed to have waived his right or revocation.

Article 531. If there exist two or more persons who [illegible] the act specified in the advertisement,

only the person who has first performed it is entitled to the reward.

In cases where two or more persons have performed the act simultaneously, each of them is entitled to the reward in equal proportions, if, however, the reward cannot by its nature be conveniently divided, or if it has been provided by the advertisement that only one person is to receive it, its recipient shall be determined by lot

The provisions of the preceding two paragraphs shall not apply, if any different intention has been declared in the advertisement

Article 532 If, in cases where there exist two or more persons who have performed the act specified in the advertisement, the reward is to be given only to the one who deserves the highest credit, the advertisement shall be effective only if some period has been specified for the duration of the competition

In the case mentioned in the preceding paragraph the question as to whose performance deserves the highest credit among the competitors shall be decided by the person designated in the advertisement If no designation of an umpire has been made in the advertisements, the decision shall be made by the advertiser himself

No competitor can raise an objection to the decision mentioned in the preceding paragraph

If the acts performed by two or more persons have been decided to be of equal merit, the provisions of the second paragraph of the preceding Article shall apply with the necessary modifications

Sub-Section II Effect of Contract

Article 533. One of the parties to a bilateral contract may refuse performance of his own obligation until the other party tenders performance of his obligation, but this shall not apply in cases where the obligation of the other party is not due

Article 534 If, in cases where the creation or transfer [illegible]

The provisions of the preceding paragraph shall apply in regard to a contract relating to a non-specific thing as from the time at which the thing has been ascertained in accordance with the provisions of Article 401, paragraph 2

Article 535 The provisions of the preceding Article shall not apply in cases where the subject matter of a bilateral contract subject to a suspensive condition has been [illegible]

If the thing has been damaged by any cause for which the obligor is responsible, the obligee may, in the event of the fulfilment of the condition, demand either the performance of the contract or the rescission thereof, at his option, this, however, shall not preclude any demand for damages

Article 536 Except in the cases mentioned in the preceding two Articles, if the performance of an obligation becomes impossible by any cause for which neither of the parties is responsible, the obligor is not entitled to demand counter-performance

If performance becomes impossible by any cause for which the obligee is responsible, the obligor shall not lose his right to demand counter-performance, but if he has received any benefit through being relieved of his own obligation, he must return such benefit to the obligee

Article 537 If by a contract one of the parties has agreed to effect an act of performance in favour of a third person, such third person is entitled to demand the act of performance directly from the obligor

In the case mentioned in the preceding paragraph the right of the third person shall come into existence as from the time at which he declares to the obligor his intention to avail himself of the benefit of the contract

Article 538 After the right of the third person has come into existence in accordance with the provisions of the preceding Article, the parties cannot effect its alteration or its extinction

Article 539 Defences incident to the contract mentioned in Article 537 can be set up by the obligor against the third person who is to receive the benefit of the contract

Sub-Section III Rescission of Contract

Article 540 If one of the parties has a right of rescission either by contract or by provision of law, the rescission shall be effected by a declaration of intention made to the other party

The declaration of intention mentioned in the preceding paragraph cannot be revoked

Article 541 If one of the parties does not perform his obligation, the other party may fix a reasonable period and give a peremptory notice demanding its performance, and may rescind the contract, if no performance is effected within such period

Article 542. If, in cases where according to the nature of the contract or by a declaration of intention by the parties, the object for which the contract was made cannot be attained unless it is performed at a fixed time or within a fixed period, one of the parties has allowed the time to elapse without performance on his part, the other party may without giving the peremptory notice mentioned in the preceding Article forthwith rescind the contract

Article 543 If performance becomes impossible in whole or in part by any cause for which the obligor is responsible, the obligee may rescind the contract

Article 544. In cases where one of the parties consists of two or more persons, the rescission of the contract may only be effected by or against all of them

If in the case mentioned in the preceding paragraph

the right of rescission has been extinguished in respect of one of such persons, it shall also be extinguished, in respect of the others.

Article 545. If one of the parties has exercised his right of rescission, each party is bound to restore the other party to his original position; but the rights of third persons shall not be prejudiced thereby.

Interest must be paid upon any money to be repaid in the case mentioned in the preceding paragraph as from the time when such money has been received.

The exercise of a right of rescission shall not preclude a demand for damages.

Article 546. The provisions of Article 533 shall apply with the necessary modifications to the case mentioned in the preceding Article.

Article 547. If no period has been fixed in respect to the exercise of a right of rescission, the other party may give a peremptory notice to the person entitled to rescission to make a definite answer within a reasonable period fixed by such other party as to whether he rescinds the contract or not. If no notice of rescission is received within such period, the right of rescission shall be extinguished.

Article 548. If a person who possesses a right of rescission has by his own act or negligence materially damaged the subject matter of the contract or has become unable to return it or has by working-up or reconstruction converted it into a thing of another kind, the right of rescission shall be extinguished.

If the subject matter of a contract has been lost or damaged otherwise than by the act or negligence of the person who possesses a right of rescission, the right of rescission shall not be extinguished.

Section II. Contract of Gift

Article 549. A contract of gift is formed when one of the parties declares his intention gratuitously to transfer property of his own to the other party and the other party agrees to accept it.

Article 550. A contract of gift which is not in writing may be revoked by either party; but this shall not apply in respect of any part as to which performance has been completed.

Article 551. A donor is not liable for any defect or deficiency in the thing or right which forms the subject of his gift; but this shall not apply in cases where he was aware of such defect or deficiency and has nevertheless failed to inform the donee thereof.

A donor shall in respect of a gift subject to a charge assume to the extent of such charge the same liability in respect of warranty as that of a seller.

Article 552. A contract of gift which has periodical acts of performance for its subject shall cease to be effective upon the death either of the donor or of the donee.

Article 553. The provisions relating to bilateral contracts shall apply to a gift subject to a charge, in addition to the provisions of this Section.

Article 554. A contract of gift which is to become effective upon the death of the donor shall be governed by the provisions relating to testamentary gifts.

Section III. Sale

Sub-Section I. General Provisions

Article 555. A sale is formed when one of the parties agrees to transfer a property right to the other party and the other party agrees to pay the purchase money to the former.

Article 556. A unilateral promise to sell or purchase shall have the effect of a sale from the time when the person to whom such promise is made declares his intention to perfect the sale.

In case no period has been fixed for the declaration of intention mentioned in the preceding paragraph, the person who has made the unilateral promise may give a peremptory notice to the other party to make a definite answer within a reasonable period fixed by the former as to whether he declares his intention to perfect the sale or act. If the other party fails to make the answer within that period, the unilateral promise to sell or purchase shall cease to be effective.

Article 557. If the buyer has delivered earnest-money to the seller, the buyer may rescind the contract by giving up his earnest money and the seller by refunding double its amount so long as neither of the parties has commenced performance of the contract.

The provisions of Article 545, paragraph 3, shall not apply to the case mentioned in the preceding paragraph.

Article 558. The expenses relating to a contract of sale shall be borne by both parties in equal shares.

Article 559. The provisions of this Section shall apply with the necessary modifications to contracts for value other than sales, unless the nature of such contracts does not so admit.

Sub-Section II. Effect of Sale

Article 560. When a right belonging to another person has been made the subject of a sale, the seller is bound to acquire such right and transfer it to the buyer.

Article 561. If in the case mentioned in the preceding Article the seller cannot acquire and transfer to the buyer the right he has sold, the buyer may rescind the contract; but if he was aware at the time the contract was made that the right did not belong to the seller, he may not demand damages.

Article 562. If, in cases where the seller was unaware at the time the contract was made that the right he sold did not belong to him, he cannot acquire and transfer it to the buyer, he may rescind the contract upon making compensation for any damage.

If in the case mentioned in the preceding paragraph the buyer was aware at the time the contract was made that the right which he bought did not belong to the seller, the seller may rescind the contract on merely notifying the buyer that he cannot transfer the right which he sold.

Article 563. If, by reason of the fact that a part of the

right which forms the subject of a sale belongs to another person, the seller cannot transfer it to the buyer, the buyer may demand a reduction of the purchase money in proportion to the part which is deficient

If, in the case mentioned in the preceding paragraph, the buyer would not have bought the remaining part, had such alone been the subject of the sale, the buyer, if acting in good faith, may rescind the contract

A demand for a reduction of the purchase money or a rescission of the contract shall not preclude a demand for damages by the buyer acting in good faith

Article 564 The right mentioned in the preceding Article must be exercised within one year from the time when the buyer became aware of the fact if the buyer was acting in good faith, and from the time the contract was made if the buyer was acting in bad faith

Article 565 If, in cases where a thing bought and sold with a designation of its quantity shows a deficiency or where part of such thing had already been lost at the time the contract was made, the buyer was unaware of such deficiency or loss, the provisions of the preceding two Articles shall apply with the necessary modifications

Article 566 If, in cases where the subject matter of a sale is subject to a superficies, emphyteusis, servitude, right of retention or pledge, the buyer was unaware thereof, the buyer may rescind the contract, but only in cases where the attainment of the object for which the contract was made has become impossible thereby, in other cases he may only demand damages

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where a servitude which has been represented as existing in favour of an immovable which is the subject of a sale does not exist or where a registered lease exists in respect of such immovable

In the cases mentioned in the preceding two paragraphs the rescission of the contract or the demand for damages must be made within one year from the time when the buyer became aware of the fact

Article 567. If the buyer loses his ownership of an immovable which forms the subject of a sale by reason of the exercise of a preferential right or of a hypothec existing over such immovable, the buyer may rescind the contract

If the buyer has preserved his ownership at his own expense he may demand reimbursement of such expense from the seller

In any of the cases mentioned above, if the buyer has sustained damage, he may demand compensation therefor

Article 568 In the case of a compulsory sale by official auction, the successful bidder may in accordance with the provisions of the preceding seven Articles either effect rescission of the contract or demand a reduction of the purchase money as against the obligor

If in the case mentioned in the preceding paragraph the obligor is insolvent, the successful bidder may demand from any obligee to whom any share of the proceeds has been distributed the return of the proceeds thus distributed, either in whole or in part

If in the case mentioned in the preceding two paragraphs the obligor was aware of any deficiency in the thing or right sold and nevertheless failed to disclose it or the obligee was aware of such deficiency and demanded a compulsory sale by official auction, the successful bidder may demand damages from the party in fault

Article 569 If the seller of an obligation warrants the solvency of the obligor, he shall be presumed to have warranted his solvency as at the time the contract was made

If the seller of an obligation which is not yet due warrants the future solvency of the obligor, he shall be presumed to have warranted his solvency as on the day on which the obligation becomes due

Article 570 If any latent defect exists in the subject matter of a sale, the provisions of Article 566 shall apply with the necessary modifications, except in the case of a compulsory sale by official auction

Article 571 The provisions of Article 533 shall apply with the necessary modifications to the cases mentioned in Articles 563 to 566 and in the preceding Article

Article 572 Even if the seller has made a special agreement that he shall not be liable in respect of the warranties mentioned in the preceding twelve Articles, he cannot be relieved of liability in respect of any fact of which he was aware and nevertheless failed to disclose nor in respect of any right which he himself created in favour of, or, himself assigned to, a third person

Article 573 If a time has been stipulated in respect of the delivery of the subject matter of a sale, the same time shall also be presumed to have been stipulated in respect of the payment of the purchase money.

Article 574 If payment of purchase money is to be effected simultaneously with delivery of the subject matter of a sale, the payment must be effected at the place of delivery

Article 575 If the subject matter of a sale which has not yet been delivered produces fruits, such fruits shall vest in the seller

The buyer is bound to pay interest on the purchase money from the day of delivery, but if a time has been stipulated for payment of the purchase money, he is not bound to pay interest until such time shall have arrived.

Article 576 If a person asserts a right over the subject matter of a sale and in consequence there is a reason to apprehend that the buyer will lose, in whole or in part, the right bought by him, he may refuse payment, in whole or in part, in proportion to the extent of such danger, but this shall not apply if the seller furnishes adequate security.

Article 577. If registration has been effected of a preferential right or of a pledge or of a hypothec over an immovable bought, the buyer may refuse payment of the

purchase money until the proceedings for the discharge thereof have been completed; the seller, however, may demand that the buyer effect the discharge without delay.

Article 578. In the cases mentioned in the preceding two Articles the seller may demand that the buyer deposit the purchase money with the competent authorities.

Sub-Section III. Redemption

Article 579. The seller of an immovable may, in pursuance of a special agreement for redemption made simultaneously with the contract of sale, rescind the contract on returning the purchase money paid by the buyer and the expenses relating to the contract; but unless a different intention has been declared by the parties, the fruits of the immovable and the interest on the purchase money shall be deemed to have been set-off against each other.

Article 580. No period for redemption shall exceed ten years. If a longer period has been fixed, it shall be reduced to ten years.

If a period has been once fixed for redemption, it cannot subsequently be extended.

If no period has been fixed for redemption, it must be effected within five years.

Article 581. If registration has been effected of a special agreement for redemption simultaneously with that of the contract of sale, such redemption shall be effective even against third persons.

A lessee's right of which registration has been effected, may be set up against the seller, but only for one year of its unexpired period; but this shall not apply in cases where the lease was effected for the purpose of injuring the seller.

Article 582. If an obligee of a seller desires in accordance with the provisions of Article 423 to effect redemption in place of the seller, the buyer may extinguish the right of redemption by discharging the obligation of the seller, up to the amount of the balance remaining after the amount to be repaid by the seller has been deducted from the current value of the immovable as assessed by an expert appointed by the Court, and by paying the surplus, if any, to the seller.

Article 583. The seller cannot effect redemption unless he tenders the purchase money and the expenses relating to the contract within the period for redemption.

If the buyer or any subsequent purchaser has disbursed expenses in respect of the immovable the seller must effect reimbursement thereof in accordance with the provisions of Article 196; but in respect to beneficial expenses the Court may, on the application of the seller, allow him reasonable time.

Article 584. If, after one of the co-owners of an immovable has sold his share with a special agreement for redemption, a partition or a sale by official auction has taken place, the seller may effect redemption in respect of that part or the purchase money which the buyer has received or is to receive but no partition or sale by official auction which has been effected without notice being given to the seller can be set up against him.

Article 585. If, in the case mentioned in the preceding Article, the buyer has become the successful bidder, the seller may effect redemption on payment of the proceeds of the sale official auction and the expenses mentioned in Article 583; in this case the seller acquires the ownership of the whole of the immovable.

If the buyer has become the successful bidder in consequence of a demand for partition made by one of the other co-owners, the seller cannot effect redemption in respect of his own share alone.

Section IV. Contract of Exchange

Article 586. A contract of exchange is formed when the parties agree to transfer to one another any property rights other than the ownership of money.

If one of the parties agrees to transfer the ownership of money together with another right, the provisions relating to purchase money shall apply with the necessary modifications in respect of such money.

Section V. Loan for Consumption

Article 587. A loan for consumption is formed when one of the parties receives from the other party money or other things, agreeing to return what he has received in things of the same kind, quality and quantity.

Article 588. If, in cases where a person is bound to deliver money or other things otherwise than in pursuance of a loan for consumption, the parties have agreed to make such things the subject of a loan for consumption, it shall be deemed that a loan for consumption has thereby come into existence.

Article 589. A promise to make a loan for consumption shall cease to be effective, if one of the parties has subsequently been adjudged bankrupt.

Article 590. If in the case of a loan for consumption at interest any latent defect exists in the thing, the lender must substitute in its place a thing free from any defect; but this shall not preclude a demand for damages.

In the case of a loan for consumption without interest the borrower may return the value of the defective thing; but if the lender was aware of the defect and nevertheless failed to inform the borrower thereof, the provisions of the preceding paragraph shall apply with the necessary modifications.

Article 591. If no time for the return has been appointed by the parties, the lender may fix a reasonable period and give a peremptory notice demanding it.

The borrower may effect return at any time.

Article 592. If it becomes impossible for the borrower to effect return in accordance with the provisions of Article 587, he must refund the value of the thing current at such time; but this shall not apply to the case mentioned in Article 402, paragraph 2.

Section VI. Loan for Use

Article 593. A loan for use is formed when one of the parties receives a thing from the other party agreeing to

return it after having gratuitously used and taken profits from it

Article 594. A borrower must use and take profits from the thing in such manner as is determined by the contract or by the nature of its subject matter

A borrower may not allow a third person to use or take profits from the thing borrowed without the consent of the lender.

If a borrower has used the thing or taken profits therefrom contrary to the provisions of the preceding two paragraphs, the lender may rescind the contract

Article 595 A borrower shall bear the ordinary necessary expenses relating to the thing borrowed

The provisions of Article 583, paragraph 2, shall apply with the necessary modifications in regard to other expenses

Article 596 The provisions of Article 551 shall apply with the necessary modifications to loans for use

Article 597 A borrower must return the thing borrowed at the time fixed by the contract

If no time for its return has been fixed by the parties, a borrower must effect the return at time when he has completed the use and the taking of profits in conformity with the purpose specified in the contract, but even before such time the lender may immediately demand the return [illegible] lender may demand the return at any time

Article 598 The borrower may, on restoring the thing borrowed to its original condition, take away things which he has attached thereto

Article 599 A loan for use ceases to be effective upon the death of the borrower

Article 600. Reparation of any damage which has arisen by reason of any use of the thing or the taking of profits therefrom contrary to the tenor and purport of the contract, and the reimbursement of expenses disbursed by the borrower, must be demanded within one year from the time when the thing borrowed was returned to the lender

Section VII Lease

Sub-Section I General Provisions

Article 601 A lease is formed when one of the parties agrees to allow the other party to use a thing and take profits therefrom and the latter agrees to pay rent for it

Article 602 In cases where a lease is effected by a person who has no capacity or authority for its disposition, such lease cannot exceed the periods mentioned below

1 Ten years for the lease of a forest which has for its object the planting or the cutting of trees.

2. Five years for the lease of any other land,

3 Three years for the lease of a building,

4 Six months for the lease of a movable

Article 603 The periods mentioned in the preceding Article may be renewed, but such renewal must be effected *within one year in the case of land, within three months* in the case of a building, and within one month in the case of a movable, prior to the expiration of the period

Article 604 The period of duration of a lease shall not exceed twenty years If a lease has been effected with a longer period, such period shall be reduced to twenty years

The period mentioned in the preceding paragraph may be renewed, but it cannot exceed twenty years from the time of renewal

Sub-Section II Effect of Lease

Article 605 The lease of an immovable, in cases where registration thereof has been effected, shall be effective even as against persons who subsequently acquires real rights in such immovable

Article 606 A lessor is bound to effect all repairs necessary for the use of the thing leased and the taking of profits therefrom

If a lessor desires to perform any act necessary for the preservation of the thing leased, the lessee cannot prevent him

Article 607 If, in cases where a lessor desires to perform an act of preservation against the will of the lessee, the lessee is thereby rendered incapable of attaining the object for which the lease has been effected, the lessee may rescind the contract

Article 608 If a lessee has disbursed any necessary *expenses relating to the thing leased* which are incumbent on the lessor, the former may immediately demand reimbursement thereof from the latter

If the lessee has disbursed any beneficial expenses, the lessor must, in accordance with the provisions of Article 196, paragraph 2, effect reimbursement thereof at the time when the lease terminates, but the Court may, on the application of the lessor allow him reasonable time

Article 609 If a person who has leased land with a view to taking profits therefrom has by reason of *vis major* received profits which are less than the amount of the rent, he may demand a reduction of the rent to the amount of such profits, but this shall not apply to the lease of a building site

Article 610 *If in the case mentioned in the preceding* Article the lessee has by reason of *vis major* received profits which are less than the amount of the rent for two consecutive years or more, he may rescind the contract.

Article 611 If part of the thing leased has been lost otherwise than by the fault of the lessee, the lessee may demand a reduction of the rent in proportion to the part which has been lost.

If in the case mentioned in the preceding paragraph the remaining part alone is not sufficient to enable the lessee to attain the object for which the lease has been effected, the lessee may rescind the contract.

Article 612. A lessee cannot without the consent of the lessor assign his rights or sublease the thing leased.

If contrary to the provisions of the preceding paragraph a lessee allows a third person to use or take profits from the thing leased, the lessor may rescind the contract.

Article 613. If a lessee has lawfully subleased the thing leased, the sublessee assumes duties directly to the lessor; in this case a payment of the rent in advance cannot be set up against the lessor.

The provisions of the preceding paragraph shall not prevent the lessor from exercising his rights against the lessee.

Article 614. Rent must be paid at the end of each month in the case of a movable or building or building site, and at the end of each year in the case of any other land; but in the case of a thing which has a harvest season, it must be paid without delay upon the close of such season.

Article 615 If repairs are necessary to the thing leased, or if any person asserts a right over the thing leased, the lessee must without delay notify the lessor thereof; but this shall not apply if the lessor is already aware of the fact.

Article 616. The provisions of Article 594, paragraph 1, Article 597, paragraph 1 and Article 598 shall apply with the necessary modifications to a lease.

Sub-Section III. Termination of Lease

Article 617. If no period of duration has been fixed by the parties for a lease, each of the parties may at any time give notice to the other party to terminate the contract; in such case the lease shall come to an end upon the expiration of the following periods after such notice has been given:

1. One year in the case of land;
2. Three months in the case of a building;
3. One day in the case of an assembly-room for hire or of a movable.

In the case of the lease of land which has a harvest season notice to terminate the contract must be given after the end of the harvest season and before the commencement of the next cultivation.

Article 618. If, even in cases where the period of duration has been fixed by the parties for a lease, one or both of the parties has reserved a right to terminate the contract, the provisions of the preceding Article shall apply with the necessary modifications.

Article 619. If, in cases where the lessee continues, after the expiration of the duration of the lease, the use of the thing leased or the taking of profits therefrom, the lessor fails to raise any objection thereto notwithstanding that he is aware of it, he shall be presumed to have effected a fresh lease on the same terms as those of the former one; but either party may give notice to the other party to terminate the contract in accordance with the provisions of Article 617.

If security has been furnished by either party in respect of the former lease, the security shall be extinguished by expiration of the period; but this shall not apply to a deposit.

Article 620. If a lease has been rescinded, such rescission shall be effective only for the future; but a demand for damages shall not be prejudiced thereby in cases where one of the parties is in fault.

Article 621. If a lessee has been adjudged bankrupt, either the lessor or the administrator in bankruptcy may, in accordance with the provisions of Article 617, give notice to the other party to terminate the contract, even in cases where the period of duration has been fixed for the lease; in such case neither party can demand from the other party compensation for whatever damage may have arisen from the termination of the contract.

Article 622. The provisions of Article 600 shall apply with the necessary modifications to a lease.

Section VIII. Hiring of Services

Article 623. A hiring of services is formed when one of the parties agrees to render services to the other party and the latter agrees to pay him remuneration therefor.

Article 624. A person hired cannot demand the remuneration unless he has completed the services which he has agreed to render.

Remuneration fixed by periods may be demanded after the expiration of each period.

Article 625. A hirer cannot without the consent of the person hired assign his rights to a third person.

A person hired cannot without the consent of the hirer procure a third person to render services in his place.

If a person hired procures a third person to render services in his place contrary to the provisions of the preceding paragraph, the hirer may rescind the contract.

Article 626. If the period for the duration of a hiring of services exceeds five years, or if it is to continue during the life of one of the parties or of a third person, either party may rescind the contract at any time after the expiration of five years; such period, however, shall be ten years in regard to the hiring of the services of apprentices employed in trade or industry.

A person who desires to rescind the contract in accordance with the provisions of the preceding paragraph must give notice thereof three months in advance.

Article 627. If no period for the duration of a hiring of services has been fixed by the parties, either party may at any time give notice to the other party to terminate the contract; in such case the hiring of services shall come to an end upon the expiration of two weeks after such notice has been given.

If remuneration has been fixed by periods, notice to terminate the contract may be given for the ensuing periods; but such notice must be given during the first half of the current period.

In cases where remuneration has been fixed with reference to a period of not less than six months, the notice mentioned in the preceding paragraph must be given three months in advance.

Article 628. Even if the period for the duration of a

hiring of services has been fixed by the parties, either party may, if any unavoidable cause exists, immediately rescind the contract, but if such cause has arisen by the fault of one of the parties, he is liable in damages to the other party.

Article 629 If, in cases where the person hired continues to render services after the expiration of the period for the duration of the hiring of services, the hirer fails to raise any objection thereto notwithstanding that he is aware of it, he shall be presumed to have effected a fresh hiring of services on the same terms as those of the former one, but either party may give notice to the other party to terminate the contract in accordance with the provisions of Article 627

If security has been furnished by either party in respect of the former hiring of services, such security shall be extinguished by the expiration of the period, but this shall not apply to money deposited as security for good behaviour.

Article 630 The provisions of Article 620 shall apply with the necessary modifications to a hiring of services

Article 631. If a hirer has been adjudged bankrupt, either the person hired or the administrator in bankruptcy may in accordance with the provisions of Article 627, even in cases where the period of duration of the hiring of services has been fixed, give notice to the other party to terminate the contract, in such case neither party can demand from the other party compensation for whatever damage may have arisen from the termination of the contract.

Section IX Contract for Work

Article 632. A contract for work is formed when one of the parties agrees to accomplish a certain work and the other party agrees to pay him remuneration for the result of such work

Article 633 The remuneration must be paid simultaneously with the delivery of the subject matter of the work; but if no delivery of a thing is necessary, the provisions of Article 624, paragraph 1 shall apply with the necessary modifications

Article 634 If any defect exists in the subject matter of the work the person who ordered the work may fix reasonable period and demand from the contractor the rectification of such defect, but this shall not apply if, in cases where the defect is not material, its rectification would involve disproportionate expense

The provision who has ordered the work may demand damages in lieu of or together with rectification of the defect, in such cases the provisions of Article 533 shall apply with the necessary modifications

Article 635. If the object for which a contract was made cannot be attained by reason of some defect in the subject matter of the work, the person who ordered the work may rescind the contract, but this shall not apply in respect of a building or any other structure on land

Article 636. The provisions of the preceding two Articles shall not apply, if the defect in the subject [illegible]

he is aware of the unfitness of the materials or of the impropriety of the instructions fails to disclose them

Article 637 The demand for rectification of the defect or for damages and the rescission of the contract mentioned in the preceding three Articles must be effected within one year from the time at which the subject matter of the work was delivered

The period mentioned in the preceding paragraph shall be computed as from the time when the work was accomplished, in cases where no delivery of the subject matter of the work is necessary

Article 638 A contractor for a structure to be erected on land is liable for warranty in respect of any defect in the structure or in its foundations for a period of five years after delivery, but this period shall be ten years in the case of a structure made of stone, earth, brick or metal

If the structure is destroyed or damaged by reason of a defect as mentioned in the preceding paragraph, the person who ordered the work must exercise the rights mentioned in Article 634 within one year from the time of such destruction or damage

Article 639 The periods mentioned in Article 637 and the first paragraph of the preceding Article may be extended by contract, but only within the limits of the ordinary period of prescription

Article 640 Even if the contractor has made a special agreement that he shall not be liable in respect of the warranties mentioned in Articles 634 and 635, he cannot be relieved of liability in respect of any fact of which he is aware and nevertheless fails to give notice

Article 641 So long as a contractor has not accomplished the work, the person who ordered the work may rescind the contract at any time upon making compensation for any damage

Article 642 If the person who ordered the work has been adjudged bankrupt, the contractor or the administrator in bankruptcy may rescind the contract, in such case the contractor may intervene in the distribution of the estate in respect of his remuneration for work already done and for any expenses which are not included in such remuneration.

In the case mentioned in the preceding paragraph neither party may demand from the other party compensation for any damage which has arisen from the rescission of the contract

Section X. Mandate

Article 643 A mandate is formed when one of the parties commissions the other party to do a juristic act, and the other party gives his consent thereto

Article 644 A mandatory is bound to manage the

affairs entrusted to him with the care of a good manager in accordance with the tenor and purport of the mandate.

Article 645. A mandatory must at any time upon demand by the mandator make report on the condition of the management of the affairs entrusted to him, and upon the termination of the mandate he must make a full report thereon without delay.

Article 646. A mandatory must deliver to the mandator all money or other things which he receives in the management of the affairs entrusted to him; the same shall apply to fruits which he collects.

Right which a mandatory acquires in his own name on behalf of the mandator must be transferred to the mandator.

Article 647. If a mandatory has consumed for his own benefit money which he ought to deliver to the mandator or which he is to use for the benefit of the latter, he must pay interest as from the day on which he consumed it; if there has been any further damage, he shall be liable to make compensation for it.

Article 648. Unless by virtue of a special agreement a mandatory cannot demand remuneration from the mandator.

In cases where a mandatory is to receive remuneration, he cannot demand it unless the mandate has been performed; but if the remuneration has been fixed by periods, the provisions of Article 624, paragraph 2 shall apply with the necessary modifications.

If a mandate terminates in the course of its performance owing to any cause for which the mandatory is not responsible, he may demand remuneration in proportion to the performance already effected.

Article 649. If any expenditure is required for the management of the affairs entrusted to the mandatory, the mandator must upon demand by him disburse it in advance.

Article 650. If a mandatory disburses any expenses which are to be regarded as necessary for the management of the affairs entrusted to him, he may demand from the mandator the reimbursement of such expenses with interest thereon from the day on which they were disbursed.

If a mandatory assumes an obligation which is to be regarded as necessary for the management of the affairs entrusted to him, he may require the mandator to perform it in his place and if the obligation is not due to furnish adequate security.

If a mandatory, without any fault on his part, sustains damage through the management of the affairs entrusted to him, he may demand compensation therefor from the mandator.

Article 651. A mandate may be rescinded by either party at any time.

If one of the parties rescinds a mandate at a time when it would be unfavourable to the other party, he must make compensation for any damage occasioned thereby, unless unavoidable reason exists for such rescission.

Article 652. The provisions of Article 620 shall apply with the necessary modifications to mandates.

Article 653. A mandate shall terminate upon the death or bankruptcy either of the mandator or the mandatory; the same shall apply, if the mandatory is adjudged incompetent.

Article 654. If, on the termination of a mandate, any circumstances of urgency exist, the mandatory, his successor or his legal representative must adopt all necessary measures until the mandator, his successor or his legal representative is in a position to manage the affairs entrusted to the mandatory.

Article 655. No ground for the termination of a mandate, whether it exists on the part of the mandator or of the mandatory, can be set up against the other party, unless he is given notice of it or he is aware of it.

Article 656. The provisions of this Section shall apply with the necessary modifications to commissions in respect of affairs other than juristic acts.

Section XI. Deposit

Article 657. A deposit is formed when one of the parties receives a certain thing, agreeing to keep it in his custody on behalf of the other party.

Article 658. A depository may not without the consent of the depositor use the thing deposited nor procure a third person to keep it.

The provisions of Article 105 and Article 107, paragraph 2 shall apply with the necessary modifications, in cases where the depository may procure a third person to keep the thing deposited.

Article 659. A person who gratuitously accepts a deposit is bound to use the same care in the custody of the thing deposited as he uses in respect of his own property.

Article 660. If a third person who asserts a right over the thing deposited commences an action against the depository or effects an attachment, the depository must without delay give notice to the depositor thereof.

Article 661. A depositor must indemnify the depository for any damage which has arisen from the nature of or any defect in the thing deposited; but this shall not apply if the depositor is, without fault on his part, unaware of such nature or defect, nor if the depository is aware of it.

Article 662. Even if a time for the return of a thing deposited has been fixed by the parties, the depositor may at any time demand its return.

Article 663. If no time for the return of a thing deposited has been fixed by the parties, the depository may return it at any time.

If a time for its return has been fixed, the depository cannot, in the absence of any unavoidable reason, return if before such time.

Article 664. The return of a thing deposited must be effected at the place where it ought to be kept; but if the

depository has for any reasonable cause removed it to another place, he may return it at the place where the thing actually is

Article 665 The provisions of Articles 646 to 649 inclusive and Article 650, paragraphs 1 and 2 shall apply with the necessary modifications to deposits

Article 666 In cases where a depositor is allowed by the contract to consume the thing deposited the provisions relating to loans for consumption shall apply with the necessary modifications, but if no time for its return has been fixed by the contract, the depositor may at any time demand its return

Section XII Partnership

Article 667. A contract of partnership is formed when each of the parties agrees to carry on a joint undertaking by making a contribution thereto

A contribution may have services for its subject matter

Article 668 The contribution made by each partner and the other property of the partnership are in all the partners' co-ownership

Article 669 If, in cases where money has been made the subject matter of a contribution, a partner neglects to make his contribution, he must besides paying interest thereon make compensation for any damage

Article 670 The conduct of the affairs of the partnership shall be decided by a majority of the partners

If the conduct of the affairs of the partnership has been entrusted to two or more persons by the partnership contract, it shall be decided by a majority of such persons

The ordinary affairs of the partnership may, notwithstanding the provisions of the preceding two paragraphs, be conducted solely by any partner or by any manager acting alone, but this shall not apply if any other partner or manager raises an objection before the affair has been completed.

Article 671 The provisions of Articles 644 to 650 shall apply with the necessary modifications to partners who conduct the affairs of the partnership

Article 672. If by the partnership contract the conduct of its affairs has been entrusted to one or more partners, such partner or partners cannot resign or be removed, except for reasonable cause

Removal for reasonable cause must be effected with the unanimous consent of the other partners

Article 673 Each of the partners may, even in cases where he has no right to conduct the affairs of the partnership, inspect its affairs and the state of the partnership property.

Article 674 If the proportion in which profits and losses are to be distributed has not been fixed by the parties, such proportion shall be decided according to the value of the contribution of each partner

If a proportion has been fixed for the distribution either of profits alone or of losses alone, that proportion shall be presumed to apply equally both to profits and losses

Article 675 If an obligee of a partnership was not aware of the proportion of the distribution of losses among the partners at the time when his obligation came into existence, he may exercise his right against each partner in equal shares

Article 676 If a partner has disposed of his share in the partnership property, such disposal cannot be set up against the partnership nor against any third person who has entered into a transaction with the partnership

Before liquidation a partner cannot demand a partition of the partnership property

Article 677 An obligor of a partnership cannot set-off against his obligatory duty an obligation which he has against a partner

Article 678 If by the partnership contract no period has been fixed for the duration of the partnership, or if it has been specified thereby that it shall continue its existence during the life of a partner, each partner may retire at any time, but he cannot in the absence of any unavoidable reason retire at a time when it would be unfavourable to the partnership

Even if a period has been fixed for the duration of the partnership, each partner may retire, if any unavoidable reason exists for doing so

Article 679 In addition to the cases mentioned in the preceding Article a partner ceases to be such for any of the following causes

1 Death,
2 Bankruptcy,
3 Adjudication of incompetency,
4 Expulsion

Article 680 Expulsion of a partner may be effected only for reasonable cause and with the unanimous consent of the other partners, but such expulsion cannot be set up against the expelled partner until he has been given notice of it

Article 681 The accounts as between a partner who has ceased to be such and the other partners must be taken according to the state of the property of the partnership at the time when he ceased to be a partner

The share of a partner who has ceased to be such may be paid out in money irrespective of the nature of his contribution

The accounts in regard to a matter which has not been completed at the time when the partner ceased to be such may be taken after such matter has been completed

Article 682 A partnership shall be dissolved upon the accomplishment of the undertaking which forms the object of the partnership or by the impossibility of such accomplishment

Article 683 Each partner may demand dissolution of the partnership, if any unavoidable cause exists for doing so

Article 684 The provisions of Article 620 shall apply with the necessary modifications to contracts of partnership

Article 685 When a partnership has been dissolved,

responsible for causing the damage, either the possessor or the owner may exercise the right to obtain reimbursement from such other person.

Article 718. The possessor of an animal is bound to make compensation for any damage caused by it to another person; but this shall not apply, if he has kept it with such care as is proper according to the species and nature of the animal.

A person who has the custody of an animal in place of the possessor also shall assume the responsibility mentioned in the preceding paragraph.

Article 719. If two or more persons have by their joint unlawful act caused damage to another, they are jointly and severally liable to make compensation for such damage; the same shall apply if it is impossible to ascertain which of the joint participants has caused the damage.

Instigators and accomplices shall be deemed to be joint participants.

Article 720. A person who, in order to protect his own right or that of a third person against the unlawful act of another, unavoidably commits a harmful act is not liable in damages; but this shall not preclude any demand for damages by the injured party against the person who committed the unlawful act.

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where a thing belonging to another is damaged in order to avert any imminent danger which has arisen from such thing.

Article 721. A child en ventre sa mere shall in respect of his right to demand damages be deemed to have been already born.

Article 722. The provisions of Article 417 shall apply with the necessary modifications to the compensation to be made for the damage, which has arisen from an unlawful act.

If there is any fault on the part of the injured party, the Court may take it into account in assessing the amount of the damages.

Article 723. If a person has injured the reputation of another, the Court may on the application of the latter make an order requiring the former to take suitable measures for the rehabilitation of the latter's reputation either in lieu of or together with damages.

Article 724. The right to demand compensation for the damage which has arisen from an unlawful act shall be extinguished by prescription if not exercised for three years from the time when the injured party or his legal representative became aware of such damage and of the identity of the person who caused it; the same shall apply if twenty years have elapsed from the time when the unlawful act was committed.

Book IV
Relatives

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Relatives

Chapter I General Provisions

Article 725 The persons mentioned below are relatives

1. *Relatives by blood up to the sixth degree of* relationship,

2 Spouses,

3 Relatives by affinity up to the third degree of relationship

Article 726 The degree of relationship is determined by computing the number of generations between relatives

As between collateral relatives the degree of relationship is determined by the number of generations ascending from one of them, or his or her spouse, to the common ancestor, and then descending from such ancestor to the other

Article 727 As between an adopted child on the one hand and the parent by adoption and his or her relatives by blood on the other, there arises the same relationship as between relatives by blood as from the day of the adoption

Article 728 The matrimonial relationship is terminated by divorce

The same shall apply also if after the death of either husband or wife, the surviving spouse declares his or her intention to terminate the matrimonial relationship

Article 729 The relationship between an adopted child, its spouse, its lineal descendants and their spouses on the one hand and the parent by adoption and his or her relatives by blood on the other, is terminated by dissolution of the adoptive relation

Article 730 Lineal relatives by blood and the relatives living together shall mutually cooperate

Chapter II Marriage

Section I Formation of Marriage

Sub-Section I Requisites of Marriage

Article 731. A man may not marry until the completion of his full eighteen years of age, nor a woman until the completion of her full sixteen years of age

Article 732 A person who has a spouse may not contract an additional marriage

Article 733 A woman may not re-marry unless six months have elapsed from the day of the dissolution or annulment of her previous marriage

In case a woman is pregnant from before the dissolution or annulment of her previous marriage, the preceding *paragraph shall cease to apply as from* the day of her delivery

Article 734 No marriage may be contracted between lineal relatives by blood, nor between collateral relatives by blood up to the third degree of relationship, except between an adopted child and any of the collateral relatives by blood on the side of the adoptive relatives

Article 735 No marriage may be contracted between lineal relatives by affinity The same shall apply after the relationship by affinity has ceased in accordance with the provisions of Article 728

Article 736. No marriage may be contracted between an adopted child, his or her spouse, his or her lineal descendants or their spouses on the one hand, and the parent by adoption or his or her lineal ascendants on the other, even after the relationship has ceased in accordance with the provisions of Article 729

Article 737 A minor child must obtain the consent both of his or her father and mother in order to marry

If either the father or mother does not give the consent, the consent of the other parent only shall be sufficient

The same shall also apply, if either the father or mother is unknown, or is dead or is unable to declare his or her intention

Article 738 A person adjudged incompetent need not obtain the consent of his guardian in order to marry

Article 739 A marriage becomes effective by notification on thereof in accordance with the provisions of the Law Concerning Registration of families.

The notification mentioned in the preceding paragraph must be made by both the parties and two more witnesses of full age either orally or by a document signed by them

Article 740. The notification of marriage may not be accepted unless the marriage does not contravene the provisions of Articles 731 to 737 inclusive and paragraph 2 *of the preceding Articles and of other laws or ordinances.*

Article 741. In case Japanese subjects resident in a foreign country desire to contract a marriage between themselves, *notification thereof may be made to the Japa-*

nese Ambassador, Minister, or a Japanese Consul acting in that foreign country. In this case the provisions of the preceding Article shall apply with the necessary modifications.

Sub-Section II. Nullity and Annulment of Marriage

Article 742. A marriage is void only in the following cases:

1. Where there is no intention to marry common to the parties owing to a mistake as to the identity of the person or through any other cause;

2. Where the parties do not make notification of the marriage; but if the notification only fails to fulfil the conditions prescribed in Article 739, paragraph 2, the validity of the marriage shall not be affected thereby.

Article 743. A marriage cannot be annulled except in accordance with the provisions of Articles 744 to 747 inclusive.

Article 744. In case a marriage contracted in contravention of the provisions of Articles 731 to 736 inclusive an application may be made to the Court for its annulment by either party thereto, any of each party's relatives or a Public Procurator; but a Public Procurator may not make such an application after the death of either of the parties.

In the case of a marriage contracted in contravention of the provisions of Article 732 or Article 733 the spouse or the former spouse of the party may also apply for its annulment.

Article 745. No application may be made for the annulment of a marriage contracted in contravention of the provisions of Article 731, if the person who was not of marriageable age has attained the requisite age.

A person married under the marriageable age may still apply for the annulment of the marriage during a period of three months from his attainment of the requisite age, unless he has ratified it after having attained the requisite age.

Article 746. No application may be made for the annulment of a marriage contracted in contravention of the provisions of Article 733 after the lapse of six months from the day of the dissolution or annulment of the previous marriage nor in cases where the woman has become pregnant after her re-marriage.

Article 747. A person who has been induced by fraud or duress to contract a marriage may apply to the Court for the annulment of such marriage.

The right of annulment mentioned in the preceding paragraph shall be extinguished if three months have elapsed since the party discovered the fraud, or became free from the durress, or if he has effected a ratification.

Article 748. The annulment of a marriage shall have no retroactive effect.

In case any party who was unaware at the time of the marriage that a ground for its annulment existed has acquired property by reason of the marriage, he must return such property to the extent that he is still enriched thereby.

Any party who was aware at the time of the marriage that a ground for its annulment existed must return the whole benefit which he has acquired by reason of the marriage, and further if the other party acted in good faith, he shall be liable in damages to such party.

Article 749. The provisions of Articles 766 to 769 inclusive shall apply with the necessary modifications to the annulment of a marriage.

Section II. Effect of Marriage

Article 750. Husband and wife assume the surname of the husband or wife in accordance with the agreement made at the time of the marriage.

Article 751. If either husband or wife has died, the surviving spouse may resume the surname assumed by her or him before the marriage.

The provisions of Article 769 shall apply with the necessary modifications to the case mentioned in preceding paragraph and Article 728, paragraph 2.

Article 752. Husband and wife shall live together, and shall cooperate and aid each other.

Article 753. If a minor contracts a marriage, he or she shall be deemed by reason thereof, to have attained majority.

Article 754. In case a contract is entered into between husband and wife, it may be avoided by either of them at any time during the subsistence of marriage; but rights of third persons may not be prejudiced thereby.

Section III. Matrimonial Property System

Sub-Section I. General Provisions

Article 755. If a husband and wife have not, prior to the notification of marriage, entered into a contract which provides otherwise with respect to their property, their property relations shall be governed by the provisions of the next Sub-Section.

Article 756. If a husband and wife have entered into a contract which differs in its terms from the legal property system such contract cannot be set up against their successors in title or third persons unless it is registered prior to the notification of the marriage.

Article 757. If, in cases where aliens have entered into a contract which differs in its terms from the legal property system of the husband's country, they have subsequently to their marriage acquired Japanese nationality or established their permanent residence in Japan, the contract cannot be set up in Japan against their successors in title or third persons unless it has been registered within one year.

Article 758. Property relations between husband and wife cannot be changed after the notification of marriage.

If, in cases where one spouse manages the property of the other, such property is imperilled by mismanagement, the other may apply to the Court of Domestic Relations to be allowed to undertake the management thereof himself.

As respects property in co-ownership an application

may be made for a partition thereof in addition to the application mentioned in the preceding paragraph

Article 759. In case the manager has been changed or a partition of property in co-ownership has been effected, in accordance with the provisions of the preceding Article or as the result of a contract, such change or partition cannot be set up against the successors in title of the husband or of the wife or against third persons, unless it has been registered

Sub-Section II. Legal Property System

Article 760. Husband and wife shall share the expenses of the married life with each other, taking into account their property, income and all other circumstances.

Article 761 If, with respect to daily household matters, one spouse effects a juristic act with a third person, the other spouse shall be jointly and severally liable for the obligations arising therefrom But, this shall not apply in cases where a previous notice to the effect that the other spouse will not assume the liability has been given to the third person

Article 762 Property belonging to either a husband or wife from a time prior to the marriage and property acquired during the subsistence of the marriage in his or her own name constitutes his or her separate property

Any property in regard to which it is uncertain whether it belongs to the husband or the wife, is presumed to be the property in their co-ownership

Section IV Divorce

Sub-Section I Divorce by Agreement

Article 763 Husband and wife may effect by agreement divorce.

Article 764 The provisions of Articles 738, 739 and 747 shall apply with the necessary modifications to a divorce by agreement

Article 765. The notification of divorce may not be accepted unless the divorce does not contravene the provisions of Article 739, paragraph 2 and Article 819, paragraph 1 and of other laws or ordinances The validity of divorce shall not be affected even in cases where the notification of divorce has been accepted in contravention of the provisions of the preceding paragraph

Article 766 In case a father and mother effect a divorce by agreement, the person who is to take the custody of their children and other matters necessary for the custody shall be determined by their agreement, and if no agreement is reached or possible, such matters shall be determined by the Court of Domestic Relations

The Court of Domestic Relations, if it deems necessary for the benefit of the children, may change the person to take the custody of them or order such other dispositions as may be appropriate for the custody.

The provisions of the preceding two paragraphs shall not cause any change in the rights and duties of father and mother outside the scope of the custody

Article 767 A husband or a wife who has changed his or her surname by reason of marriage, resumes, by reason of divorce by agreement, the surname which he or she had assumed before the marriage

Article 768. Husband or wife who has effected divorce by agreement may demand the distribution of property from the other spouse

If no agreement is reached or possible between the parties with respect to the distribution of property in accordance with the provisions of the foregoing paragraph, any of the parties may apply to the Court of Domestic Relations for measures to take the place of such agreement, except, however, after the lapse of two years from the time of the divorce

In the case mentioned in the preceding paragraph, the Court of Domestic Relations shall determine whether any such distribution is to be made or not and, if it is to be made, the sum as well as the mode of the distribution, taking into account the sum of such property as is acquired by cooperation of the parties and all other circumstances

Article 769 If a husband or wife who had changed his or her surname by reason of the marriage, has effected divorce by agreement after his or her succession to the right stated in Article 897, paragraph 1, the person who is to succeed to the right shall be determined by an agreement between the parties and other persons concerned

If no agreement contemplated in the preceding paragraph is reached or possible the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Court of Domestic Relations

Sub-Section II. Judicial Divorce

Article 770. Husband or wife can bring an action for divorce only in the following cases:

1 If the other spouse has committed an act of unchastity;

2 If he or she has been deserted maliciously by the other spouse,

3 If it is unknown for three years or more whether the other spouse is alive or dead,

4 If the other party is attacked with severe mental disease and recovery therefrom is hopeless;

5 If there exists any other grave reason for which it is difficult for him or her to continue the marriage

Even in cases where any or all of the pre- [illegible]

Article 771. The provisions of Articles 766 to 769 inclusive shall apply with the necessary modifications to judicial divorce.

Chapter III. Parent and Child

Section I. Children of the Body

Article 772. A child conceived by a wife during marriage shall be presumed to be the child of the husband.

A child born two hundred days or more after the day on which the marriage was formed or born within three hundred days from the day on which the marriage was dissolved or annulled, shall be presumed to have been conceived during marriage.

Article 773. If, in cases where a woman who has remarried in contravention of the provisions of Article 733, paragraph 1 has been delivered of a child, it is impossible to determine the father of the child in accordance with the provisions of the preceding Article, the Court shall determine the paternity.

Article 774. In any case mentioned in Article 772 the husband may deny that the child is legitimate.

Article 775. The right of denial mentioned in the preceding Article shall be exercised by an action against the child or the mother exercising parental power. In case there is no mother who exercises parental power, the Court of Domestic Relations must appoint a special representative.

Article 776. If, after it has been born, a husband acknowledges that the child is legitimate, he loses the right of denial.

Article 777. An action of denial must be brought within one year from the time when the husband became aware of the child's birth.

Article 778. In case the husband is a person adjudged incompetent, the period specified in the preceding Article shall be computed as from the time when the husband became aware of the child's birth after the revocation of the adjudication of incompetency.

Article 779. A child who is not legitimate may be recognized by its father or mother.

Article 780. A father or mother, even when under disability need not obtain the consent of his or her legal representative in order to recognize a child.

Article 781. The recognition of a child is affected by giving notification thereof in accordance with the law concerning registration of Families. Recognition may also be effected by means of will.

Article 782. A child of full age cannot be recognized without his or her assent.

Article 783. A father may recognize even a child en ventre sa mere. In this case the assent of the mother must be obtained.

A father or mother may recognize even a deceased child, but only when a lineal descendant of the child is living. In this case if such lineal descendant is of full age his or her assent must be obtained.

Article 784. Recognition shall be effective retroactively as from the time of birth; but the rights acquired by third persons prior thereto shall not be prejudiced thereby.

Article 785. A father or mother who has effected recognition cannot revoke such recognition.

Article 786. A child or any other person interested may allege any fact adverse to recognition.

Article 787. A child, any of its lineal descendants of the legal representative of any of them can bring an action for recognition, this shall not apply after the lapse of three years from the time when the father or mother died.

Article 788. The provisions of Article 766 shall apply with the necessary modifications in cases where a father effects recognition.

Article 789. A child recognized by its father acquires the status of a legitimate child by reason of the marriage of its father and mother.

A child recognized by its father and mother during subsistence of their marriage acquires the status of a legitimate child as from the time of such recognition.

The provisions of the preceding two paragraphs shall apply with the necessary modifications in cases where the child is already dead.

Article 790. A legitimate child assumes the surname of its father and mother. If, however, before the birth of the child its father and mother have divorced, the child assumes the surname of its father and mother at the time of the divorce.

An illegitimate child assumes the surname of its mother.

Article 791. In case where the surname of a child differs from that of its father or mother, the child may, with the leave of the Court of Domestic Relations, assume the surname of its father or mother.

In cases where a child is under fifteen years, the legal representative thereof may effect the act mentioned in the preceding paragraph in behalf of the child.

The minor child who has changed its surname in accordance with the provisions of the two preceding paragraphs, may resume its prior surname within one year as from the day on which he attained majority.

Section II. Adoption

Sub-Section I. Requisites for Adoption

Article 792. Any person who has attained majority may adopt another.

Article 793. No ascendant or person of older age may be adopted.

Article 794. A guardian must obtain the leave of the Court of Domestic Relations in order to adopt the ward. The same shall also apply after the duties of the guardian have come to an end, so long as the accounts of the management have not been completed.

Article 795. A person who has a spouse may not effect adoption except jointly with the spouse. But this shall not apply in cases where husband or wife adopts any of the children of the other spouse.

Article 796. If, in the case of the preceding Article,

either the husband or wife is unable to declare his or her intention, the other may effect adoption in the name of both

Article 797 If the person to be adopted is under fifteen years of age his legal representative can assent to the adoption in his place

Article 798 In order to adopt a minor child, the leave of the Court of Domestic Relations must be obtained, excepting, however, the case where a person adopts any of the lineal descendants of his own or of the other spouse

Article 799 The provisions of Articles 738 and 739 shall apply with the necessary modifications to an adoption

Article 800 The notification of adoption may not be accepted unless the adoption does not contravene the provisions of Articles 792 to 799 inclusive and of other laws and ordinances

Article 801 In case Japanese subjects, resident in a foreign country desire to effect an adoption of the one by the other, notification thereof may be made to the Japanese Ambassador Minister or a Japanese Consul acting in that foreign country In this case the provisions of Article 739 and the preceding Article shall apply with the necessary modifications

Sub-Section II Nullity and Annulment of Adoption

Article 802 An adoption is void in the following cases only

1 Where there is no intention to effect adoption common to the parties owing to a mistake as to the identity of the person or through any other cause

2 Where the parties do not make notification of the adoption but if the notification only fails to fulfil the conditions prescribed in Article 739, paragraph 2, the validity of the adoption shall not be affected thereby

Article 803 An adoption cannot be annulled except in accordance with the provisions of Articles 804 to 808 inclusive

Article 804 In the case of an adoption effected in contravention of the provisions of Article 792, an application may be made to the Court for its annulment by the parent by adoption or his legal representative but this shall not apply if six months have elapsed or if the parent by adoption has ratified it after having attained majority

Article 805 In the case of an adoption effected in contravention of the provisions of Article 793, an application may be made to the Court for its annulment by either party thereto or any of each party's relatives

Article 806 In the case of an adoption effected in contravention of Article 794, an application may be made to the Court for its annulment by the adopted child or [illegible] family but [illegible]

ment had been completed

The ratification does not become effective unless made after the adopted child has attained majority or has recovered its capacity

In cases where the account of the management has been completed before the adopted child attains majority or recovers its capacity, the period specified in the proviso to the first paragraph shall be computed as from the time when the adopted child has attained majority or has recovered its capacity

Article 807 In case of an adoption effected in contravention of the provisions of Article 798, an application may be made to the Court for its annulment by the adopted child or by any of its relatives on the side of its original family, or by the person who has assented to the adoption in place of the adopted child But this shall not apply if six months have elapsed from the time when the adopted child attained to the majority, or if it has ratified the adoption

Article 808 The provisions of Articles 747 and 748 shall apply with the necesary modifications to an adoption, but the period specified in Article 747, paragraph 2 shall be one of six months

The provisions of Articles 769 and 816 shall apply with necessary modifications to the annulment of adoption

Sub-Section III Effect of Adoption

Article 809 An adopted child acquires as from the day of adoption the status of a legitimate child of the parent by adoption

Article 810 An adopted child assumes the surname of the parent by adoption

Sub-Section IV Dissolution of Adoptive Relation

Article 811 The parties to an adoption may effect by agreement a dissolution of the adoptive relation

If an adopted child is under fifteen years of age dissolution of adoptive relation may be effected by agreement between the parent by adoption and the person who would have the right to assent to an adoption in place of the adopted child

If an adopted child desires to effect a dissolution of adoptive relation after the death of the parent by adoption, the child may effect it with the leave of the Court of Domestic Relations

Article 812 The provisions of Articles 738, 739, 747 and Article 808, paragraph 1, proviso shall apply with the necessary modifications to dissolution of adoptive relation by agreement

Article 813 The notification of dissolution of the [illegible]

nances

The validity of a dissolution of the adoptive relation shall not be affected even when the notification has been accepted in contravention of the provisions of the preceding paragraph

Article 814 One of the parties to an adoption can bring an action for dissolution of adoptive relation in the following cases only

1. If such party has been deserted maliciously by the other:

2. If it is unknown for three years or more whether the adopted child is alive or dead:

3. If there exists any other grave reason for which it is difficult for such party to continue the adoptive relation.

The provision of Article 770, paragraph 2 shall apply with the necessary modifications to the cases mentioned in any of the items numbered 1 and 2 of the preceding paragraph.

Article 815. So long as an adopted child has not completed its fifteenth year, any person who would have the right to assent to his adoption can bring an action for dissolution of adoptive relation.

Article 816. An adopted child resumes, by reason of dissolution of the adoptive relation, the surname assumed by it before the adoption.

Article 817. The provision of Article 769 shall apply with the necessary modifications to the case of dissolution of adoption.

Chapter IV. Parental Power

Section I. General Provisions

Article 818. A child who had not yet attained majority is subject to the parental power of its father and mother.

If such child is an adopted one, it is subject to the parental power of its parents by adoption.

While father and mother are in matrimonial relation, they jointly exercise the parental power. But, if either the father or the mother is unable to exercise the parental power, the other parent exercises it.

Article 819. If father and mother have effected divorce by agreement, they shall determine one of them to have the parental power by agreement.

In cases of judicial divorce the Court determines a father or mother to have the parental power.

If the father and mother have effected divorce before the birth of child, the parental power is exercised by the mother. But the father and mother may determine the father to have the parental power by agreement after the birth of child.

The parental power over a child recognized by its father shall be exercised by its father, if and only if the father and mother determine the father to have the parental power by their agreement.

If no agreement mentioned in any of paragraphs 1 and 3 and preceding paragraph is reached or possible, the Court of Domestic Relations may render judgment in place of agreement on application of the father or mother.

If it deems necessary for the benefit of a child, the Court of Domestic Relations may transfer the parental power from one of parents to other on application of any relative of the child.

Section II. Effect of Parental Power

Article 820. A person who exercises parental power has the right and incurs the duty of providing for the custody and education of his or her child.

Article 821. A child must establish its place of residence in the place designated by the person who exercises parental power.

Article 822. A person who exercises parental power can, in so far as is necessary, personally chastise his or her child, or with the permission of the Court of Domestic Relations, can place it in a disciplinary institution.

The period for which a child is to be placed in a disciplinary institution shall be determined by the Court of Domestic Relations at no more than six months; but such period may be shortened at any time on the application of the person who exercises parental power.

Article 823. A child may not carry on an occupation unless with the permission of the person who exercises parental power.

In the case of Article 6, paragraph 2 the person who exercises parental power may revoke or restrict the permission mentioned in the preceding paragraph.

Article 824. A person who exercises parental power manages the property of a child and represents the child on juristic acts concerning its property: in cases, however, where an obligation is to be created having for its subject any act of the child, the consent of the child itself must be obtained.

Article 825. In case either a father or mother who shall exercise parental power jointly with the other has performed a juristic act in place of the child or has given consent to its performance by the child, in the names of both of them the validity of such act shall not be affected thereby, even if it should be contrary to the intention of the other. But this shall not apply if the other party to such act was acting in bad faith.

Article 826. In respect of acts in which the interests of a father or mother who exercises parental power conflict with those of his or her child, the person who exercises the parental power must apply to the Court of Domestic Relations for the appointment of a special representative on behalf of the child.

In cases where a person who exercises parental power over two or more children the provisions of the preceding paragraph shall, on behalf of one party, apply with the necessary modifications in respect of acts in which the interests of one child conflict with those of the other or others.

Article 827. A person who exercises parental power must exercise his or her right of management with the same care as he or she uses when acting on his or her own behalf.

Article 828 When a child has attained majority, the person who has been exercising parental power must without delay render an account of the management, but the expenses of the maintenance of the child and of the management of the property on the one hand and the profits of the child's property on the other shall be deemed to have been set-off against each other

Article 829 If a third person who gratuitously transfers property to a child has declared an intention con- [illegible]

permit its father or mother who exercises parental power to manage it, such property shall not come under the management of such father or mother

If, in the case where neither father nor mother has the [illegible]

Even when the third person has designated a manager the same shall apply if, in cases where the powers of such manager have come to an end or it has become necessary to appoint another manager in his stead, the third person fails to appoint a manager anew

The provisions of *Articles 27 to 29 inclusive shall* apply with the necessary modifications to the cases mentioned in the preceding two paragraphs

Article 831. The provisions of Articles 654 and 655 shall apply with the necessary modifications to cases where a person who exercises parental power manages the property of the child, and also the case mentioned in the preceding Article.

Article 832 Any obligatory right arising as between a person who has exercised parental power and the child, with respect to the management of the property, shall be extinguished by prescription if not exercised within five years from the time when the right of management becomes extinguished

If the right of management has been extinguished and there is no legal representative of the child before the child attains majority, the period mentioned in the preceding paragraph shall be computed as from the time when the child has attained majority or a succeeding legal representative has assumed office

Article 833 A person who exercises parental power exercises, in place of the child subjected to his parental power, the parental power of such child

Section III Loss of Parental Power

Article 834 If a father or mother abuses parental power or is guilty of gross misconduct, the Court of Domestic Relations may, on the application of any of the child's relatives or of a Public Procurator adjudge the forfeiture of the parental power

Article 835 If a father or mother who exercises par- [illegible]

Public Procurator, adjudge the forfeiture of the right of management

Article 836 If the causes mentioned in the preceding two Articles have ceased to exist, the Court of Domestic Relations may, on the application of the party concerned or of any of his relatives, revoke the adjudication of the forfeiture of the power or right

Article 837. A father or mother who exercises parental power may, where circumstances make it imperative decline the exercise of parental power or the right of management with the leave of the Court of Domestic Relations

If the circumstances mentioned in the preceding paragraph cease to exist, a father or mother may recover the parental power or the right of management with the leave of the Court of Domestic Relations

Chapter V Guardianship

Section I. Commencement of Guardianship

Article 838 Guardianship commences in any of the following cases·

1. If there is no one to exercise parental power over a minor, or if the person who exercises parental power has no right of management
2. If an adjudication of incompetency has been made

Section II Organs of Guardianship

Sub-Section I Guardian

Article 839 The person who last exercises parental power over a minor can designate a guardian by will, unless such person has no right of management

If either a father or mother who exercises parental power has no right of management, the other parent may designate a guardian in accordance with the provisions of the preceding paragraph

Article 840 If either husband or wife has been adjudged incompetent, the other spouse becomes his or her guardian

[illegible]

also apply in cases where a vacancy occurs in the position of guardian

Article 842. In case it has become necessary to ap-

1. If such party has been deserted maliciously by the other:

2. If it is unknown for three years or more whether the adopted child is alive or dead:

3. If there exists any other grave reason for which it is difficult for such party to continue the adoptive relation.

The provision of Article 770, paragraph 2 shall apply with the necessary modifications to the cases mentioned in any of the items numbered 1 and 2 of the preceding paragraph.

Article 815. So long as an adopted child has not completed its fifteenth year, any person who would have the right to assent to his adoption can bring an action for dissolution of adoptive relation.

Article 816. An adopted child resumes, by reason of dissolution of the adoptive relation, the surname assumed by it before the adoption.

Article 817. The provision of Article 769 shall apply with the necessary modifications to the case of dissolution of adoption.

Chapter IV. Parental Power

Section I. General Provisions

Article 818. A child who had not yet attained majority is subject to the parental power of its father and mother.

If such child is an adopted one, it is subject to the parental power of its parents by adoption.

While father and mother are in matrimonial relation, they jointly exercise the parental power. But, if either the father or the mother is unable to exercise the parental power, the other parent exercises it.

Article 819. If father and mother have effected divorce by agreement, they shall determine one of them to have the parental power by agreement.

In cases of judicial divorce the Court determines a father or mother to have the parental power.

If the father and mother have effected divorce before the birth of child, the parental power is exercised by the mother. But the father and mother may determine the father to have the parental power by agreement after the birth of child.

The parental power over a child recognized by its father shall be exercised by its father, if and only if the father and mother determine the father to have the parental power by their agreement.

If no agreement mentioned in any of paragraphs 1 and 3 and preceding paragraph is reached or possible, the Court of Domestic Relations may render judgment in place of agreement on application of the father or mother.

If it deems necessary for the benefit of a child, the Court of Domestic Relations may transfer the parental power from one of parents to other on application of any relative of the child.

Section II. Effect of Parental Power

Article 820. A person who exercises parental power has the right and incurs the duty of providing for the custody and education of his or her child.

Article 821. A child must establish its place of residence in the place designated by the person who exercises parental power.

Article 822. A person who exercises parental power can, in so far as is necessary, personally chastise his or her child, or with the permission of the Court of Domestic Relations, can place it in a disciplinary institution.

The period for which a child is to be placed in a disciplinary institution shall be determined by the Court of Domestic Relations at no more than six months; but such period may be shortened at any time on the application of the person who exercises parental power.

Article 823. A child may not carry on an occupation unless with the permission of the person who exercises parental power.

In the case of Article 6, paragraph 2 the person who exercises parental power may revoke or restrict the permission mentioned in the preceding paragraph.

Article 824. A person who exercises parental power manages the property of a child and represents the child on juristic acts concerning its property: in cases, however, where an obligation is to be created having for its subject any act of the child, the consent of the child itself must be obtained.

Article 825. In case either a father or mother who shall exercise parental power jointly with the other has performed a juristic act in place of the child or has given consent to its performance by the child, in the names of both of them the validity of such act shall not be affected thereby, even if it should be contrary to the intention of the other. But this shall not apply if the other party to such act was acting in bad faith.

Article 826. In respect of acts in which the interests of a father or mother who exercises parental power conflict with those of his or her child, the person who exercises the parental power must apply to the Court of Domestic Relations for the appointment of a special representative on behalf of the child.

In cases where a person who exercises parental power over two or more children the provisions of the preceding paragraph shall, on behalf of one party, apply with the necessary modifications in respect of acts in which the interests of one child conflict with those of the other or others.

Article 827. A person who exercises parental power must exercise his or her right of management with the same care as he or she uses when acting on his or her own behalf.

Article 828 When a child has attained majority, the person who has been exercising parental power must without delay render an account of the management, but *the expenses of the maintenance of the child and of the* management of the property on the one hand and the profits of the child's property on the other shall be deemed to have been set-off against each other

Article 829 If a third person who gratuitously transfers property to a child has declared an intention contrary to the provisions of the proviso to the preceding *Article, they shall not apply to such property.*

Article 830 If a third person who gratuitously transfers property to a child has declared an intention not to permit its father or mother who exercises parental power to manage it, such property shall not come under the management of such father or mother

If, in the case where neither father nor mother has the right of management with respect to the property mentioned in the preceding paragraph, the third person has designated no manager, the Court of Domestic Relations shall appoint one on the application of the child, of any of its relatives or of a Public Procurator

Even when the third person has designated a manager the same shall apply if, in cases where the powers of such manager have come to an end or it has become necessary to appoint another manager in his stead, the third person fails to appoint a manager anew

The provisions of Articles 27 to 29 inclusive shall apply with the necessary modifications to the cases mentioned in the preceding two paragraphs

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Article 832 Any obligatory right arising as between a person who has exercised parental power and the child, *with respect to the management of* the property, shall be extinguished by prescription if not exercised within five years from the time when the right of management becomes extinguished

If the right of management has been extinguished and *there is no legal* representative of the child before the child attains majority, the period mentioned in the preceding paragraph shall be computed as from the time when the child has attained majority or a succeeding legal representative has assumed office

Article 833 A person who exercises parental power exercises, in place of the child subjected to his parental power, the parental power of such child

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Article 834 If a father or mother abuses parental power or is guilty of gross misconduct, the Court of Domestic Relations may, on the application of any of the child's relatives or of a Public Procurator adjudge the forfeiture of the parental power

Article 835 If a father or mother who exercises par- [illegible] Public Procurator, adjudge the forfeiture of the right of *management*

Article 836 If the causes mentioned in the preceding two Articles have ceased to exist, the Court of Domestic Relations may, on the application of the party concerned or of any of his relatives, revoke the adjudication of the forfeiture of the power or right

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Article 840 If either husband or wife has been adjudged incompetent, the other spouse becomes his or her guardian

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Article 842. In case it has become necessary to

1. If such party has been deserted maliciously by the other:

2. If it is unknown for three years or more whether the adopted child is alive or dead:

3. If there exists any other grave reason for which it is difficult for such party to continue the adoptive relation.

The provision of Article 770, paragraph 2 shall apply with the necessary modifications to the cases mentioned in any of the items numbered 1 and 2 of the preceding paragraph.

Article 815. So long as an adopted child has not completed its fifteenth year, any person who would have the right to assent to his adoption can bring an action for dissolution of adoptive relation.

Article 816. An adopted child resumes, by reason of dissolution of the adoptive relation, the surname assumed by it before the adoption.

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In cases of judicial divorce the Court determines a father or mother to have the parental power.

If the father and mother have effected divorce before the birth of child, the parental power is exercised by the mother. But the father and mother may determine the father to have the parental power by agreement after the birth of child.

The parental power over a child recognized by its father shall be exercised by its father, if and only if the father and mother determine the father to have the parental power by their agreement.

If no agreement mentioned in any of paragraphs 1 and 3 and preceding paragraph is reached or possible, the Court of Domestic Relations may render judgment in place of agreement on application of the father or mother.

If it deems necessary for the benefit of a child, the Court of Domestic Relations may transfer the parental power from one of parents to other on application of any relative of the child.

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Article 820. A person who exercises parental power has the right and incurs the duty of providing for the custody and education of his or her child.

Article 821. A child must establish its place of residence in the place designated by the person who exercises parental power.

Article 822. A person who exercises parental power can, in so far as is necessary, personally chastise his or her child, or with the permission of the Court of Domestic Relations, can place it in a disciplinary institution.

The period for which a child is to be placed in a disciplinary institution shall be determined by the Court of Domestic Relations at no more than six months; but such period may be shortened at any time on the application of the person who exercises parental power.

Article 823. A child may not carry on an occupation unless with the permission of the person who exercises parental power.

In the case of Article 6, paragraph 2 the person who exercises parental power may revoke or restrict the permission mentioned in the preceding paragraph.

Article 824. A person who exercises parental power manages the property of a child and represents the child on juristic acts concerning its property: in cases, however, where an obligation is to be created having for its subject any act of the child, the consent of the child itself must be obtained.

Article 825. In case either a father or mother who shall exercise parental power jointly with the other has performed a juristic act in place of the child or has given consent to its performance by the child, in the names of both of them the validity of such act shall not be affected thereby, even if it should be contrary to the intention of the other. But this shall not apply if the other party to such act was acting in bad faith.

Article 826. In respect of acts in which the interests of a father or mother who exercises parental power conflict with those of his or her child, the person who exercises the parental power must apply to the Court of Domestic Relations for the appointment of a special representative on behalf of the child.

In cases where a person who exercises parental power over two or more children the provisions of the preceding paragraph shall, on behalf of one party, apply with the necessary modifications in respect of acts in which the interests of one child conflict with those of the other or others.

Article 827. A person who exercises parental power must exercise his or her right of management with the same care as he or she uses when acting on his or her own behalf.

is required to obtain the leave of the Court of Domestic Relations.

Article 859 A guardian manages the ward's property and represents the ward in juristic acts concerning the latter's property.

The provisions of the proviso to Article 824 shall apply with the necessary modifications to the case mentioned in the preceding paragraph

Article 860 The provisions of Article 826 shall apply with the necessary modifications to guardian, excepting *however, the case where there is a supervisor of the* guardian

Article 861 A guardian must, on assuming office, estimate the amount of money to be expended annually for the livelihood, the education, the medical treatment and care of the ward and for the management of his property.

Article 862 The Court of Domestic Relations may allow reasonable remuneration to the guardian out of the ward's property having regard to the financial capacity of the guardian and the ward and other circumstance.

Article 863 At any time, a supervisor of the guardian or the Court of Domestic Relations may demand a guardian to report his guardianship affairs or to submit the inventory, or may investigate such affairs or the state of the ward's property

The Court of Domestic Relations may, on the application of a supervisor of the guardian, of any of the ward's relatives or of any other persons interested, or of its own motion, order such dispositions as may be necessary for the management of the ward's property or other guardianship affairs

Article 864 A guardian must obtain, in case there is a supervisor of the guardian, his consent in order to conduct business or to do any of the acts mentioned in Article 12, paragraph 1 in place of the ward, or to give consent to its performance by the minor, but this shall not apply to the receipt of capital

Article 865 Any act done or consented to by a guardian in contravention of the provisions of the preceding Article may be avoided by the ward or by the guardian, in this case the provisions of Article 19 shall apply with the necessary modifications

The provisions of the preceding two paragraphs shall not preclude the application of Articles 121 to 126

Article 866 If a guardian has acquired by assignment the ward's property of a third person s right as against the ward, the ward may avoid the assignment In this case the provisions of Article 19 shall apply with the necessary modifications.

The provisions of the preceding paragraph shall not preclude the application of the provisions of Articles 121 to 126 inclusive

Article 867. A guardian exercises parental power in place of a minor

The provisions of Articles 853 to 857 and 861 to 866 inclusive shall apply with the necessary modifications to the cases mentioned in the preceding paragraph

Article 868 In cases where the person who exercises parental power does not possess the right of management, the guardian possesses only such power as relates to the property

Article 869 The provisions of Articles 644, and 830 shall apply with the necessary modifications to guardianship

Section IV Termination of Guardianship

Article 870 When the duties of a guardian have terminated, the guardian or his successor must render an account of his management within two months, but such period may be extended by the Court of Domestic Relations

Article 871 The accounts of the guardianship must be made up, in case there is a supervisor of the guardian, in his presence

Article 872 Any contract entered into between a minor and the guardian or his successor, after the former has attained majority but before the accounts of the guardianship have been completed may be avoided by the former The same shall apply to any unilateral act affected by such person towards the guardian or his successors.

[illegible]

Article 873 Money to be returned by a guardian to the ward or by a ward to the guardian shall bear interest as from the time when the accounts of the guardianship have been completed

If a guardian has expended the ward's money on his own behalf, such money shall bear interest as from the time of the expenditure, and if there has been any damage, he is bound also to make compensation for it

Article 874 The provisions of Articles 654 and 655 shall apply with the necessary modifications to guardianship

Article 875 The prescription provided in Article 832 shall apply with the necessary modifications to obligatory rights which have arisen in respect to guardianship as between the guardian or the supervisor of the guardian and the ward

In cases where a juristic act has been avoided in accordance with the provisions of Article 872, the prescription mentioned in the preceding paragraph shall be computed as from the time of the avoidance

Article 876 The provisions of paragraph 1 of the preceding Article shall apply with the necessary modifications as between a curator and a person adjudged quasi-incompetent

point a guardian for the reason that a father or mother has declined to exercise his or her parental power or to manage the property, or that a guardian has resigned his office or that a father or mother has forfeited his or her parental power, such father or mother guardian must, without delay, apply to the Court of Domestic Relations for the appointment of a guardian.

Article 843. There cannot be more than one guardian.

Article 844. A guardian may, where any reasonable ground exists, resign his office with the leave of the Court of Domestic Relations.

Article 845. If any unjust act or gross misconduct has been done by a guardian, or there is any other ground for which a guardian is unfit to perform his duties, the Court of Domestic Relations may remove such guardian from his office on the application of a supervisor of the guardian or of any of the ward's relatives.

Article 846. None of the persons mentioned below can become a guardian:

1. A minor;
2. A person adjudged incompetent or quasi-incompetent;
3. A legal representative or curator who has been removed by the Court of Domestic Relations;
4. A bankrupt;
5. A person who brings or has brought an action against the ward, or the spouse or any of the lineal relatives by blood of such person;
6. A person whose whereabouts is unknown.

Article 847. The provisions of Articles 840 to 846 inclusive shall apply with the necessary modifications to a curator.

In respect of acts in which the interests of a curator or the person whom he represents conflict with those of the person adjudged incompetent, the curator must apply to the Court of Domestic Relations for the appointment of a curator ad hoc.

Sub-Section II. Supervisor of Guardian

Article 848. A person who can designate a guardian can designate by will a supervisor of the guardian.

Article 849. In cases where no supervisor of the guardian is designated in accordance with the provisions of the preceding Article, the Court of Domestic Relations may, if it deems necessary, appoint a supervisor of the guardian on the application of any of the ward's relatives or of the guardian. The same shall also apply in cases where a vacancy occurs in the position of the guardian.

Article 850. The spouse, the lineal relatives by blood and the brothers and sisters of a guardian cannot become a supervisor of the guardian.

Article 851. The duties of a supervisor of the guardian are as follows:

1. To supervise the conduct of the affairs by the guardian;
2. In case a vacancy occurs in the position of guardian, to apply to the Court of Domestic Relations for the appointment of a guardian;
3. To adopt such measures as may be necessary in cases where circumstances of urgency exist;
4. To represent the ward in respect of acts in which the interests of the guardian or any person whom he represents conflict with those of the ward.

Article 852. The provisions of Articles 644 and 844 to 846 shall apply with the necessary modifications to a supervisor of the guardian.

Section III. Functions of Guardianship

Article 853. A guardian must without delay enter upon a survey of the ward's property, and must complete such survey and prepare an inventory of such property within one month; but this period may be extended by the Court of Domestic Relations.

The survey of property and the preparation of the inventory thereof are of no effect unless conducted, in case there is a supervisor of the guardian in his presence.

Article 854. Until a guardian has completed the preparation of the inventory, he has authority to do acts of urgent necessity only; but this cannot be set up against a third person acting in good faith.

Article 855. If, in cases where a guardian possesses an obligatory right as against, or is under an obligation towards, the wards, there is a supervisor of the guardian, he must make a report thereof to the supervisor of the guardian before he enters upon the survey of the property.

If a guardian, notwithstanding that he is aware of the fact that he possesses an obligatory right as against the ward, fails to make a report thereof, that he forfeits such obligatory right.

Article 856. The provisions of the preceding three Articles shall apply with the necessary modifications to cases in which the ward has acquired property by a universal title after the guardian has assumed office.

Article 857. The guardian of a minor has, with regard to the matters mentioned in Articles 820 to 823 inclusive, the same rights and duties as a person who exercises parental power; but he must obtain the consent of the supervisor of the guardian if there is any, in order to change the mode of education or the place of residence determined by the father or mother who exercises parental power, to place the minor in a disciplinary institution, to permit him to carry on business or to revoke or to restrict such permission.

Article 858. The guardian of a person adjudged incompetent must be diligent in the medical treatment and care of the person adjudged incompetent, according to the latter's financial capacity.

In order to place a person adjudged incompetent in a lunatic asylum or any other similar institution, or to put such a person under restraint in a private house, it

with the provisions of the preceding three Articles, the order of succession of the spouse shall be in the same rank with such person

Article 891 None of the persons mentioned below can become a successor:

1 Any person who has been sentenced to punishment for having intentionally caused or attempted to cause the death of the person to be succeeded to or of any person who has a prior or the same rank with respect to the succession,

2 Any person who, knowing that the person to be succeeded to has been killed by homicide, has omitted to give information or to bring a formal charge, except when such person has no capacity to discern right and wrong, or when the guilty party is the spouse or a lineal relative by blood of such person,

3 Any person who has by fraud or duress prevented the person to be succeeded to from making, revolving or altering a will relating to the succession,

4 Any person who has by fraud or duress induced the person to be succeeded to make, revoke or alter a will relating to the succession,

5 Any person who has forged, altered, destroyed or concealed a will of the person to be succeeded to relating to the succession

Article 892 In case a presumptive successor who is entitled to a legally secured portion has treated the person to be succeeded to with cruelty or has offered him a gross insult, or in case a presumptive successor has been guilty of any other gross misconduct, the latter may apply to the Court of Domestic Relations for the disinheritance of such presumptive successor

Article 893 In case a person to be succeeded to has declared by will his intention to disinherit the presumptive successor, the executor of the will must apply to the Court of Domestic Relations for the disinheritance without delay after the will has become effective In this case, the disinheritance shall be effective retroactively as from the time of the death of the person succeeded to

Article 894 A person to be succeeded to may at any time apply to the Court of Domestic Relations for the revocation of the disinheritance of a presumptive successor

The provisions of the preceding Article shall apply with the necessary modifications to annulment of disinheritance

Article 895 If succession is opened after an application has been made for the disinheritance of a presumptive successor or the revocation thereof, but before the decision on such application has become final and conclusive, the Court of Domestic Relations may, on the application of any relative or any person interested, or of a public procurator, order such disposition as may be necessary for the management of the estate The same shall also apply when there exists a will disinheriting a successor

In cases where the Court of Domestic Relations has appointed an administrator, the provisions of Articles 27 to 29 shall apply with the necessary modifications.

Chapter III Effect of Succession

Section I General Provisions

Article 896. A successor succeeds, as from the time of the opening of the succession, to all the rights and duties pertaining to the property of the person succeeded to except such as are entirely personal to that person.

[illegible]

grounds is succeeded to the person who, according to custom, is to hold as a president the worship to the memory of the ancestors If, however, the person succeeded to has designated the person who is to hold as a president the worship to the memory of the ancestors, such person shall succeed to that ownership

In case the custom mentioned in the preceding paragraph is unknown, the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Court of Domestic Relations

Article 898 In case there exist two or more successors the property succeeded to is in their co-ownership

Article 899 Each co-successor succeeds to the rights and duties of the person succeeded to in proportion to his share in the succession

Section II Shares in a Succession

[illegible]

1 Where lineal descendants and a spouse are successors, the shares in the succession of the lineal descendants shall, in all, be two thirds, and that of the spouse shall be one third

2 Where the spouse and lineal ascendants are successors, the share in the succession of the spouse and of the lineal ascendants shall respectively be one half

3 Where the spouse and brothers and sisters are successors, the share in the succession of the spouse shall be two thirds and those of the brothers and sisters shall be one third

4. Where there exist two or more lineal descendants, or lineal ascendants, or brothers and sisters, their respective shares in the succession shall be equal But, the [illegible]

Chapter VI. Support

Article 877. The lineal relatives by blood and brothers and sisters shall be under duty to furnish support each other.

If there are special circumstances, the Court of Domestic Relations may impose a duty to furnish support as between the relatives within the third degree other than those mentioned in the preceding paragraph.

If, after the decision pursuant to the provisions of the preceding paragraph had been rendered, any change has taken place in the circumstances, the Court of Domestic Relations may revoke the decision.

Article 878. If, in cases where there exists two or more persons under a duty to furnish support, no agreement is reached or possible between the parties with respect to the order in which they are to furnish support, such order shall be determined by the Court of Domestic Relations. If, in cases where there exists two or more persons entitled to support, the financial capacity of the person who is under duty to furnish support is insufficient to support all of them, the same as provided above shall also apply with respect to the order in which they receive support.

Article 879. If no agreement is reached or possible between the parties concerned with respect to the extent and mode of support, the Court of Domestic Relations shall determine such matters, taking into account the needs of the person entitled to support, the financial capacity of the person under duty to support and all other circumstances.

Article 880. If, after an agreement had been arrived at or a decision rendered with respect to the order in which the persons who are under duty to furnish support are to furnish support or in which the persons entitled to receive support are to receive support to the extent and mode of support or if any changes have taken place in the circumstances, the Court of Domestic Relations may alter or revoke the agreement or the decision.

Article 881. The right to be supported cannot be the subject of disposition.

Book V
Succession

Chapter I. General Provisions

Article 882. Succession is opened by reason of death.

Article 883. Succession is opened at the permanent residence of the person to be succeeded to.

Article 884. The right to demand recovery of succession shall be extinguished by prescription, if it is not exercised within five years from the time when the successor or his legal representative became aware of the facts constituting a violence of the right of succession.

Article 885. Expenses relating to the property succeeded to shall be defrayed out of such property, excepting, however, such as are caused by the negligence of the successor.

A person entitled to a legally secured portion cannot be compelled to defray the expenses mentioned in the preceding paragraph out of any property acquired by him through an abatement of gifts.

Chapter II. Successors

Article 886. A child *en ventre sa mare* shall in respect of succession be deemed to have been already born.

The provisions of the preceding paragraph shall not apply in cases where the child *en ventre sa mare* is born dead.

Article 887. The lineal descendants of a person to be succeeded to become successors in accordance with the following provisions:

1. As between persons standing in different degrees of relationship, those nearer in degree are preferred;
2. Persons standing in the same degree of relationship become successors in the same rank.

Article 888. If, in cases where a person who would become successor in accordance with the provisions of the preceding Article dies or loses his right of succession previous to the opening of the succession, there exist lineal descendants of such person, the lineal descendants become successors in the same rank as that person, in accordance with the provisions of the preceding Article.

For the application of the provisions of the preceding paragraph, a child *en ventre sa mare* shall be deemed to have been already born, except however, in case where it is born dead.

Article 889. In cases where there exists no person who is to become successor in accordance with the provisions of the preceding two Articles, the persons mentioned below become successors in the order stated therein:

1. Lineal ascendants;
2. Brothers and sisters.

In the case mentioned in number one of the preceding paragraph, the provisions of Article 887, and in the case mentioned in number two thereof, those of Article 887, item 2 and of the preceding Article shall respectively apply with the necessary modifications.

Article 890. The spouse of a person succeeded to becomes, in every case, a successor. In the case, if there is any person who is to become a successor in accordance

with the provisions of the preceding three Articles, the order of succession of the spouse shall be in the same rank with such person

Article 891 None of the persons mentioned below can become a successor:

1 Any person who has been sentenced to punishment for having intentionally caused or attempted to cause the death of the person to be succeeded to or of any person who has a prior or the same rank with respect to the succession,

2 Any person who, *knowing that the person to* be succeeded to has been killed by homicide, has omitted to give information or to bring a formal charge, except when such person has no capacity to discern right and wrong, or when the guilty party is the spouse or a lineal relative by blood of such person,

3 Any person who has by fraud or duress prevented the person to be succeeded *to from making, revolving or altering a will relating to the succession,*

4 Any person who has by fraud or duress induced the person to be succeeded to make, revoke or alter a will relating to the succession,

5 Any person who has forged, altered, destroyed or concealed a will of the person to be succeeded to relating to the succession

Article 892 In case a presumptive successor who is entitled to a legally secured portion has treated the person to be succeeded to with cruelty or has offered him a gross insult, or in case a presumptive successor has been guilty of any other gross misconduct, the latter may apply to the Court of Domestic Relations for the disinheritance of such presumptive successor

Article 893 In case a person to be succeeded to has declared by will his intention to disinherit the presumptive successor, the executor of the will must apply to the Court of Domestic Relations for the disinheritance without delay after the will has become effective In this case, the disinheritance shall be effective retroactively as from the time of the death of the person succeeded to

Article 894 A person to be succeeded to may at any *time apply to the Court of Domestic Relations for the* revocation of the disinheritance of a presumptive successor

The provisions of the preceding Article shall apply with the necessary modifications to annulment of disinheritance

Article 895 If succession is opened after an application has been *made for the disinheritance of a presumptive successor or the revocation thereof,* but before the decision on such application has become final and conclusive, the Court of Domestic Relations may, on the application of any relative or any person interested, or of a public procurator, order such disposition as may be necessary for the management of the estate The same shall also apply when there exists a will disinheriting a successor

In cases where the Court of Domestic Relations has appointed an administrator, the provisions of Articles 27 to 29 shall apply with the necessary modifications

Chapter III Effect of Succession

Section I General Provisions

Article 896. A successor succeeds, as from the time of the opening of the succession, to all the rights and duties pertaining to the property of the person succeeded to except such as are entirely personal to that person

Article 897. Notwithstanding the provisions of the preceding Article, the ownership of genealogical records, of utensils of religious rites and of tombs and burial grounds is succeeded to the person who, according to custom, is to hold as a president the worship to the memory of the ancestors If, however, the person succeeded to has designated the person who is to hold as a president the worship to the memory of the ancestors, such person shall succeed to that ownership

In case the custom mentioned in the preceding paragraph is unknown, the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Court of Domestic Relations

Article 898 In case there exist two or more successors the property succeeded to is in their co-ownership

Article 899 Each co-successor succeeds to the rights and duties of the person succeeded to in proportion to his share in the succession

Section II Shares in a Succession

Article 900 If there exist two or more successors in the same rank, their shares in the succession shall be determined in accordance with the following provisions

1 Where lineal descendants and a spouse are successors, the shares in the succession of the lineal descendants shall, in all, be two thirds, and that of the spouse shall be one third

2 Where the spouse and lineal ascendants are suc- [illegible]

one third

4 Where there exist two or more lineal descendants, or lineal ascendants, or brothers and sisters, their respective shares in the succession shall be equal But, the *share in the succession of lineal descendant who is not* legitimate shall be one half of that of a legitimate lineal descendant, and the share in the succession of any of the brothers and sisters whose father or mother alone is the same with that of person succeeded to, shall be one half

of the share of any of the brothers and sisters whose father and mother both are the same with those of the person succeeded to.

Article 901. The share in a succession of a lineal descendant who is a successor in accordance with the provisions of Article 888 shall be the same as that which would have been received by his lineal ascendant, but in case there exist two or more lineal descendants their shares in the succession shall, in respect of the share which would have been received by the lineal ascendant of each of them, be determined in accordance with the provisions of the preceding Article.

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where a lineal descendant of brothers and sisters is a successor in accordance with the provisions of Article 889, paragraph 2.

Article 902. A person to be succeeded to may, notwithstanding the provisions of the preceding two Articles, by will determine the shares of co-successors or commission a third person to determine them, but neither the person to be succeeded to nor the third person may contravene the provisions relating to legally secured portions.

In case a person to be succeeded to has determined or caused to be determined the share of the other co-successors shall be determined in accordance with the preceding two Articles.

Article 903. In case any of the co-successors has received from the person to be succeeded to a testamentary gift, or a gift for the purpose of his marriage, adoption, or as a means of livelihood, the value of the property owned by the person to be succeeded to at the time of the opening of the succession plus the value of such gift shall be deemed to be the property succeeded to, and the amount remaining after deducting the value of the gift, whether testamentary or not, from what would have been his share in the succession, as computed in accordance with the provisions of the preceding three Articles, shall constitute his share in the succession.

If the value of the gift, whether testamentary or not, equals or exceeds the value of the share in the succession, the donee may not received such share.

If the person to be succeeded to has declared any intention different from the provisions of the preceding two paragraphs, such declaration of intention shall be effective in so far as it does not contravene the provisions relating to legally secured portions.

Article 904. The value of gifts mentioned in the preceding Article shall be determined by treating the property which forms the subject of the same as if it still existed in its original condition at the time of the opening of the succession, even if it has been lost or increased or decreased in value by an act of the donee.

Article 905. In case one of the co-successors assigns his share in the succession to a third person before partition, other co-successors may have such share in the succession assigned to them upon effecting a reimbursement of its value and expenses.

The right mentioned in the preceding paragraph must be exercised within one month.

Section III. Partition of Estate

Article 906. For effecting partition of estate, the kind and nature of the things or rights constituting the estate, the profession of each successor and all other circumstances shall be taken into account.

Article 907. Except the case where partition of estate has been forbidden by the will of the person succeeded to in accordance with the provisions of Article 906, co-successors may, at any time, effect the partition of the estate by their agreement.

If no agreement is reached or possible between the co-successors for partition of the estate, each co-successor may apply to the Court of Domestic Relatoins for its partition.

If, in the case mentioned in the preceding paragraph, any special reason exists, the Court of Domestic Relations may forbid partition of all or a part of estate for a fixed period.

Article 908. A person to be succeeded to may by will determine, or commission a third person to determine, the mode of partition, or forbid partition for a period not exceeding five years from the time of the opening of the succession.

Article 909. Partition of estate shall be effective retroactively as from the time of the opening of the succession, but nothing in this Article shall prejudice any of the rights of third persons.

Article 910. If, in cases where a person who has become successor by acknowledgement after the opening of the succession applies for the partition of estate, other co-successors have already effected the partition or other dispositions, he may claim only the payment of value of the estate to which he is entitled.

Article 911. Each co-successor shall in proportion to his share in the succession bear the same liability for warranty as that of a seller towards other co-successors.

Article 912. Each co-successor shall in proportion to his share in the succession warrant the solvency of the obligor as at the time of partition in regard to obligations acquired by other co-successors through partition.

In regard to an obligation which is not yet due or an obligation subject to a suspensive condition each co-successor warrants the solvency of the obligor as at the time when performance is to be effected.

Article 913. If any of the co-successors who incur a liability for warranty has not sufficient means to effect reimbursement, the part which he is unable to reimburse shall be borne by the person demanding reimbursement and other solvent successors in proportion to their respective shares in the succession; but in case the party demanding reimbursement is in fault, he cannot demand

that the other co-successors shall bear their proportions

Article 914. The provisions of the preceding three Articles shall not apply where the person to be succeeded to has declared any different intention by will

Chapter IV. Acceptance and Renunciation of Succession

Section I. General Provisions

Article 915 A successor must, within three months from the time when he became aware that the succession had been opened in his favor, effect an acceptance, either absolute or qualified, or a renunciation, but such period may be extended by the Court of Domestic Relations on the application of any person interested or of a Public Procurator.

A successor may make a survey of the property to be succeeded to before effecting acceptance or renunciation

Article 916 In case a successor dies without effecting either acceptance or renunciation, the period mentioned in paragraph 1 of the preceding Article shall be computed as from the time when his successor became aware that the succession had been opened in his favor

Article 917. In case a successor is a person under disability, *the period mentioned in Article 915, paragraph 1,* shall be computed as from the time when his legal representative became aware that the succession had been opened in favor of the person under disability

Article 918. A successor must manage the property succeeded to with the same care as he uses in respect to his individual property, except when he has effected either acceptance or renunciation

The Court of Domestic Relations may, on the application of any person interested or of a Public Procurator, at any time order the adoption of such measures as may be necessary for the management of the property succeeded to

In cases where the Court of Domestic Relations appoints an administrator the provisions of Article 27 to 29 inclusive shall apply with the necessary modifications

Article 919 Acceptance and renunciation cannot be revoked even within the period mentioned in Article 915, paragraph 1.

The provisions of the preceding paragraph shall not

months from the time when it became possible to effect ratification, or if ten years have elapsed from the time of the acceptance or renunciation

Section II Acceptance

Sub-Section I Absolute Acceptance

Article 920 If a successor effects an absolute acceptance he succeeds without limitation to the rights and duties of the person succeeded to

Article 921 In the cases mentioned below a successor shall be deemed to have effected an absolute acceptance

1 If he has disposed of the whole or part of the property succeeded to, but this shall not apply to effecting an act of preservation or a lease for any period not longer than those specified in Article 602

2 If he fails to effect either a qualified acceptance or a renunciation, he has concealed or secretly consumed, or failed in bad faith to enter in the inventory, the whole or part of the property succeeded to, but this shall not apply after an acceptance has been effected by a person who has become successor in consequence of his having effected a renunciation

Sub-Section II Qualified Acceptance

Article 922 A successor may effect an acceptance with the reservation that he shall perform the obligations and testamentary gift of the person succeeded to *only to the extent of the property acquired through the* succession

Article 923 If there exist two or more successors qualified acceptance may be effected merely by joint acts of all co-successors

Article 924 If a successor desires to effect a qualified acceptance he must prepare an inventory within the period mentioned in Article 915, paragraph 1 and present it to the Court of Domestic Relations with a declaration that he effects a qualified acceptance.

Article 925 In case a successor effects a qualified acceptance any rights and duties which he had towards the person succeeded to shall be deemed not to have been extinguished

Article 926 A qualified acceptor must continue to manage the property succeeded to with the same care as he uses in respect of his individual property.

The provisions of Article 645, 646, 650 paragraphs 1 and 2, and Article 918 paragraphs 2 and 3 shall apply with the necessary modifications to the case contemplated in the preceding paragraph

Article 927 A qualified acceptor must, within five days after he has effected the qualified acceptance, give

which must not be less than two months

ance to obligees of the person succeeded to and to testamentary donees until the expiration of the period mentioned in paragraph 1 of the preceding Article.

Article 929. Upon the expiration of the period mentioned in Article 927, paragraph 1, a qualified acceptor must effect performance to those obligees who have presented their claims within such period and to all other obligees known to him, in proportion to the amounts of their respective obligations, out of the property succeeded to; but the rights of obligees who have priority may not be prejudiced thereby.

Article 930. A qualified acceptor must perform in accordance with the provisions of the preceding Article even those obligations which are not yet due.

Conditional obligations and obligations of uncertain duration must be performed according to the valuation of an expert appointed by the Court of Domestic Relations.

Article 931. A qualified acceptor may not effect performance to testamentary donees until after he has effected performance to each obligee in accordance with the provisions of the preceding two Articles.

Article 932. In case it is found necessary to sell the property succeeded to in order to effect performance in conformity with the provisions of the preceding three Articles, a qualified acceptor must offer it for sale by official auction, but he may dispense with the sale by official auction of the whole or part of the property succeeded to upon paying the valued thereof according to the valuation by an expert appointed by the Court of Domestic Relations.

Article 933. An obligee of a person succeeded to or a testamentary donee may at his own expense intervene in the sale by official auction or the valuation of the property succeeded to. In this case the provisions of Article 260, paragraph 2 shall apply with the necessary modifications.

Article 934. If a qualified acceptor has neglected to give the public or peremptory notice as prescribed in Article 927 or has effected performance to some obligees or testamentary donees within the period mentioned in paragraph 1 of the same Article, and in consequence has become unable to effect preformance to the other obligees or testamentary donees, he shall be bound to make compensation for any damage arising therefrom. The same shall apply where performance has been effected in contravention of any of the provisions of Articles 929 to 931 inclusive.

The provisions of the preceding paragraph shall not prejudice the right of the other obligees or testamentary donees to demand reimbursement from such obligees or testamentary donees as have improperly received performance with knowledge of the circumstances.

The provisions of Article 724 shall also apply in the cases of the preceding two paragraphs.

Article 935. Obligees and testamentary donees who have failed to present their claims within the period mentioned in Article 927, paragraph 1 and who were unknown to the qualified acceptor can exercise their rights with respect to the surplus assets only, except those who have special securities in respect to the property succeeded to.

Article 936. In case there exist two or more successors, the Court of Domestic Relations must appoint an administrator of the property to be succeeded to from among the successors.

The administrator manages the property to be succeeded to, and does all acts necessary for performing obligations on behalf of, and in place of the successors.

The provisions of Articles 926 to 935 inclusive shall apply with necessary modifications to the administrator; but the period to give public notice prescribed in the first paragraph of Article 927 shall be within ten days from the time when the administrator was appointed.

Article 937. If there exists any of the grounds mentioned in item 1 or 3 of Article 921 with regard to one or several of the co-successors who effected a qualified acceptance, an obligee of a person succeeded to may exercise the right over such co-successor's in proportion to his share in the succession with respect to the amounts of the obligations which have not been satisfied out of the property succeeded to.

Section III. Renunciation

Article 938. A person who desires to effect a renunciation of a succession must make a declaration to the Court of Domestic Relations to that effect.

Article 939. Renunciation shall be effective retroactively as from the time of the opening of the succession.

If, in cases where there exist two or more successors, one of them has effected renunciation, his share in the succession devolves on the other successors in proportion to their respective shares therein.

Article 940. A person who has effected a renunciation of a succession must continue to manage the property succeeded to with the same care as he uses in respect of his own property until the person who becomes successor by reason of his renunciation is able to commence the management of the property.

The provisions of Articles 645, 646, 650 paragraphs 1 and 2, and Article 918 paragraphs 2 and 3 shall apply with the necessary modifications to the case contemplated in the preceding paragraph.

Chapter V. Separation of Property

Article 941. An obligee of a person succeeded to or a testamentary donee may, within three months from the time of the opening of the succession, apply to the Court of Domestic Relations for the separation of the property succeeded to from the property of the successor. The same shall apply even after the expiration of that period so long as the property succeeded to has not been intermingled with the successor's individual property.

If the Court of Domestic Relations has ordered a separation of property on an application as mentioned in the preceding paragraph, the person who made such application must, within five days, give public notice to the other obligees of the person succeeded to and to testamentary donees to the effect that an order for a separation of property has been made and that they are called upon to claim to intervene in the distribution within a specified period which must not be less than two months

Article 942 A person who has applied for a separation of property and those who have claimed to intervene in the distribution in accordance with the provisions of paragraph 2 of the preceding Article shall receive performance out of the property succeeded to in preference to the obligees of the successor

Article 943 In case an application has been made for a separation of property the Court of Domestic Relations may order the adoption of such measures as may be necessary for the management of the property succeeded to

In cases where the Court of Domestic Relations has appointed an administrator, the provisions of Articles 27 to 29 inclusive shall apply with the necessary modifications

Article 944 If, even after a successor has effected an absolute acceptance, an application is made for a separation of property, the successor must henceforth manage the property succeeded to with the same care as he uses in respect of his individual property except when an administrator has been appointed by the Court of Domestic Relations

The provisions of Articles 645 to 647 inclusive and Article 650, paragraphs 1 and 2 shall apply with the necessary modifications to the case mentioned in the preceding paragraph

Article 945 As regards immovables a separation of property cannot be set up against a third person until it has been registered

Article 946. The provisions of Article 304 shall apply with the necessary modifications to the case of a separation of property

Article 947 A successor may refuse performance to obligees of the person succeeded to and to testamentary donees until the expiration of the periods mentioned in Article 941, paragraphs 1 and 2.

In case an application for a separation of property has been made, the successor must, upon the expiration of the period mentioned in Article 941, paragraph 2, effect performance, out of the property succeeded to to those obligees and testamentary donees who applied for the separation of property or claimed to intervene in the distribution in proportion to their respective obligations, but the rights of obligees who have priority may not be prejudiced thereby

The provisions of Articles 930 and 934 inclusive shall apply with the necessary modifications to the case mentioned in the preceding paragraph

Article 948 A person who applied for a separation of [illegible] case the obligees of the successor can receive performance in preference to such person.

Article 949 A successor can prevent an application for a separation of property or extinguish its effect by effecting performance to the obligees of the person succeeded to and to testamentary donees out of his individual property or by furnishing adequate security to them, but this shall not apply where any obligee of the person succeeded to raises an objection with proof that he will thereby sustain damage

Article 950 So long as a successor is at liberty to effect a qualified acceptance or the property succeeded to is not intermingled with the successor's individual property, his obligees may apply for a separation of property.

[illegible] as prescribed in Article 927 must be given by the obligee who has applied for the separation of property

Chapter VI Default of Successors

Article 951. If it is unknown whether or not there exists a successor, the property to be succeeded to shall constitute a juristic person

Article 952. In the case mentioned in the preceding Article the Court of Domestic Relations must, on the application of any person interested or of a Public Procurator, appoint an administrator of the property to be succeeded to.

The Court of Domestic Relations must without delay give public notice of the appointment of the administrator

Article 953 The provisions of Articles 27 to 29 inclusive shall apply with the necessary modifications to an administrator of the property to be succeeded to

Article 954 If a demand is made by any of the obligees of the person to be succeeded to or of the testamentary donees, the administrator must report to such persons on the condition of the property to be succeeded to

Article 955 If it becomes known that there exists a successor the juristic person shall be deemed never to have existed, provided that the validity of acts done by the administrator within the scope of his authority shall not be affected thereby.

Article 956 The power of representation of an ad-

ministrator shall be extinguished at the time when a successor effects an acceptance of succession.

In the case mentioned in the preceding paragraph the administrator must without delay render an account of the management of the successor.

Article 957. If it does not, within two months after the public notice prescribed in Article 952, paragraph 2, has been given become known that there exists a successor, the administrator must without delay give public notice to all obligees of the person to be succeeded to and to all testamentary donees, calling upon them to present their claims within a specified period which must not be less than two months.

The provisions of Article 79, paragraphs 2 and 3, and Articles 928 to 935 inclusive, except those of the proviso to Article 932, shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 958. If, even after the expiration of the period mentioned in paragraph 1 of the preceding Article, it is still unknown whether there exists any successor, the Court of Domestic Relations must, on the application of the administrator or of a Public Procurator, give public notice calling upon the successor, if any, to assert his right within a specified period which must not be less than one year.

Article 959. If no one asserts his right as successor within the period mentioned in the preceding Article, the property to be succeeded to shall devolve on the National Treasury.

In such case the provisions of Article 956, paragraph 2 shall apply with the necessary modifications.

Obligees of the person to be succeeded to and testamentary donees cannot exercise their rights as against the National Treasury.

Chapter VII. Wills

Section I. General Provisions

Article 960. No will can be made otherwise than in conformity with the forms prescribed in this Code.

Article 961. Any person who has completed his fifteenth year may make a will.

Article 962. The provisions of Articles 4, 9 and 12 shall not apply to a will.

Article 963. A testator must at the time of making a will be invested with capacity to do so.

Article 964. A testator may make a disposition of the whole or part of his property under either a universal or special title; but provisions relating to legally secured portions may not be contravened.

Article 965. The provisions of Articles 886 and 891 shall apply with the necessary modifications to testamentary done.

Article 966. If, before the accounts of a guardianship have been completed, the ward makes a will under which the guardian, his spouse or any of his lineal descendants is to take a benefit, such will shall be void.

The provisions of the preceding paragraph shall not apply in cases where a lineal relative by blood, the spouse, or a brother or sister is the guardian.

Section II. Forms of Wills

Sub-Section I. Ordinary Forms

Article 967. A will must be made by means of a holographic, or a notarial, or a secret document, except when resort to special forms is permitted.

Article 968. In order to make a will by a holographic document, the testator must write with his own hand the whole text, the date and his full name and must affix his seal thereto.

Any insertion, deletion or other alteration in a holographic document shall be ineffective unless the testator indicates the place thereof, makes an additional entry to the effect than an alteration has been made, specially adds his signature to such entry and also affixed his seal at the place of alteration.

Article 969. In order to make a will by a notarial document, the following formalities must be complied with:

1. That two or more witnesses are present;
2. That the testator orally declares the tenor of the will to a notary;
3. That the notary writes down the testator's oral statement and reads it to the testator and the witnesses;
4. That the testator and each of the witnesses affix their signatures and seals to the writing after acknowledging it to be correct, but in cases where the testator is unable to sign the notary may make an additional entry of the fact in substitution for the signature;
5. That the notary makes an additional entry to the effect that the document has been drawn up in compliance with the formalities as specified under the preceding four heads and affixes signature and seal thereto.

Article 970. In order to make a will be a secret document, the following formalities must be complied with:

1. That the testator affixes his signature and seal to the document;
2. That the testator closes up the document and seals the cover with the same seal as he has used upon the document;
3. That the testator produces the sealed document before a notary and at least two witnesses and declares that it is his testamentary document and also declares the full name and permanent residence of the writer thereof;
4. That, after the notary has written down on the sealed cover the date of the production of the document and the declaration of the testator, he, the testator and the witnesses affix their signatures and seals thereto.

The provisions of Article 968, paragraph 2 shall apply

with the necessary modifications to a will made by a secret document

Article 971 Even if a will made by a secret document [illegible]

Article 972 In cases where a person who is unable to speak makes a will by a secret document, the testator must, in substitution for the declaration mentioned in Article 970, paragraph 1, Item 3, write with his own hand in the presence of the notary and of the witnesses on the sealed cover a statement that the document is his testamentary one and also the full name and permanent residence of the writer thereof

The notary must write on the sealed cover, in substitution for writing the declaration, a statement that the testator has complied with the formalities prescribed in the preceding paragraph

Article 973 In order to enable a person adjudged incompetent to make a will during a lucid interval, at least two medical practitioners must be present

The medical practitioners present at the making of the will must make an additional entry upon the testamentary document to the effect that the testator was not in a condition of mental unsoundness at the time when he made the will and must affix their signatures and seals thereto, but in cases where a will is made by a secret document such entry, signatures and seals must be affixed to the sealed cover.

Article 974 None of the persons mentioned below can become a witness to a will or a person required to be present at the making thereof

1 A minor,

2 A person adjudged incompetent or quasi-incompetent,

3 A presumptive successor, a testamentary donee, and their spouses and lineal relatives by blood,

4 The spouse, any of the relatives up to the fourth degree of relationship and any of the clerks as well as of the servants of the notary

Article 975 No will can be made by two or more persons by one and the same document

Sub-Section II Special Forms

Article 976 In case a person who is in imminent danger of death through disease or from any other cause desires to make a will, he may do so in the presence of at least three witnesses by orally declaring its tenor to one of them In this case the person to whom the oral declaration is made must write it down and read it to the testator and the other witnesses, and each witness, after having acknowledged the writing to be correct, must affix his signature and seal thereto

A will made in accordance with the provisions of the preceding paragraph shall not be valid unless within twenty days from the day on which the will was made one of the witnesses or some person interested applies to the Court of Domestic Relations and obtains a confirmation thereof

The Court of Domestic Relations may not confirm a will unless convinced that it represents the true intention of the testator

Article 977 A person who is in a place where communication is cut off by administrative measures on account of contagious disease may make a written will in the presence of a police officer and at least one witness

Article 978 A person on board ship may make a written will in the presence of the master or one of the clerical staff of the ship and at least two witnesses

Article 979 A person who, in the event of a ship's distress is on board the ship and is in immediate danger of death, may make a will orally in the presence of at least two witnesses

A will made in compliance with the provisions of the preceding paragraph shall not be valid, unless witnesses write down its tenor and verifying such writing with their signatures and seal-impressions and one of the witnesses or some person interested also applies without delay to the Court of Domestic Relations and obtains a confirmation thereof

The provisions of Article 976, paragraph 3 shall apply with the necessary modifications to the case mentioned in the preceding paragraph

Article 980 In the cases mentioned in Articles 977 and 978, the testator, the writer and the persons required to be present and the witnesses must each affix their signatures and seals to the testamentary document

Article 981 If, in the cases mentioned in Articles 977 to 979 inclusive, there is concerned a person who is unable to affix his signature or seal, persons required to be present or witnesses must make an additional entry of the fact

Article 982 The provisions of Article 968, paragraph 2 and Articles 973 to 975 inclusive shall apply to a will made in accordance with the provisions of Articles 976 and 981 inclusive

Article 983 A will made in accordance with the provisions of Articles 976 to 982 inclusive shall not be valid if the testator survives for six months from the time when he becomes able to make a will in compliance with ordinary forms

Article 984 In case a Japanese resident is in a place where a Japanese Consul is stationed and he desires to make a will by means of a notarial or secret document, the duty of a notary shall be performed by such Consul

Section III. Effect of Wills

Article 985 A will becomes effective upon the death of the testator

If, in cases where a will is subject to a suspensive condition, the condition is fulfilled after the death of the

testator, the will becomes effective upon the fulfilment of the condition.

Article 986. A testamentary donee may effect a renunciation of the testamentary gift at any time subsequent to the death of the testator.

A renunciation of a testamentary gift shall be effective retroactively as from the time of the death of the testator.

Article 987. A person charged with a testamentary gift or any person interested may give a peremptory notice to the testamentary donee to effect either an acceptance or a renunciation of the testamentary gift within a reasonable period fixed by him. If the testamentary donee fails to declare his intention to the person charged with the testamentary gift within such period, he shall be deemed to have accepted the testamentary gift.

Article 988. In case a testamentary donee dies without effecting either an acceptance or a renunciation of the testamentary gift, his successor can effect either an acceptance or a renunciation within the scope of his own right of succession; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 989. An acceptance or a renunciation of a testamentary gift cannot be revoked.

The provisions of Article 919, paragraph 2 shall apply with the necessary modifications to an acceptance or a renunciation of a testamentary gift.

Article 990. A testamentary donee by a universal title has the same rights and duties as a successor.

Article 991. So long as a testamentary gift is not yet due, the testamentary donee may demand adequate security from the person charged with the testamentary gift. The same shall apply as respects a testamentary gift subject to a suspensive condition during the pendency of the condition.

Article 992. A testamentary donee acquires fruits as from the time when he can demand fulfillment of the testamentary gift; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 993. In case a person charged with a testamentary gift incurs any expenses in respect to the subject matter of the testamentary gift after the death of the testator, the provisions of Article 299 shall apply with the necessary modifications.

As regards ordinary necessary expenses incurred for the purpose of collecting fruits, the reimbursement thereof may be demanded to the extent of the value of the fruits.

Article 994. A testamentary gift shall not take effect if the testamentary donee dies before the death of the testator.

The same shall apply with respect to a testamentary gift subject to a suspensive condition if the testamentary donee dies before the fulfillment of the condition but if the testator has declared a different intention in his will, such intention shall prevail.

Article 995. In case a testamentary gift does not take effect or becomes void of effect by reason of renunciation, whatever the testamentary donee would have received devolves on the successor; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 996. A testamentary gift shall not take effect if the right which forms the subject thereof is not comprised in the property succeeded to at the time of the death of the testator, except when it appears that such right has been made the subject of the testamentary gift notwithstanding that it may not be comprised in the property succeeded to.

Article 997. In case a testamentary gift having for subject a right which is comprised in the property succeeded to as effective in accordance with the provisions of the proviso to the preceding Article, the person charged with the testamentary gift is under a duty to acquire that right and transfer it to the testamentary donee. If he cannot acquire it or if excessive expense would be required in order to acquire it, he must pay over the value thereof; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 998. If, in cases where a non-specific thing has been made the subject of a testamentary gift, the testamentary donee is deprived by eviction of the thing delivered, the person charged with the testamentary gift shall assume the same liability in respect of warranty as that of a seller.

If, in the case mentioned in the preceding paragraph, any defect exists in the thing, the person charged with the testamentary gift must substitute in its place a thing free from any defect.

Article 999. In case a testator has a right to demand compensation from a third person by reason of the loss or alteration of the subject matter of the testamentary gift or the loss of the possession thereof, such right shall be presumed to have been made the subject of the testamentary gift.

If, in cases where the subject matter of a testamentary gift has been united to or mixed with another thing, the testator has become the sole owner of a co-owner of the composite thing or the mixture in accordance with the provisions of Article 243 to 245 inclusive, the ownership or the co-ownership of the whole shall be presumed to have been made the subject of the testamentary gift.

Article 1000. If the thing or right which constitutes the subject of a testamentary gift at the time of the death of the testator is the subject of a right belonging to a third person, the testamentary donee may not demand from the person charged with the testamentary gift that such right be extinguished; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 1001. If, in cases where an obligation has been made the subject of a testamentary gift, the testator has obtained performance and things which he has so received still remain among the property succeeded to, such

subject, the amount of such money shall be presumed to have been made the subject of the testamentary gift even though there is in the property succeeded to no sum of money corresponding to the amount of the obligation

Article 1002 A person who has received a testamentary gift subject to a charge is bound to perform the duty which he has assumed only to the extent of the value of the subject of the testamentary gift.

In case the testamentary donee has effected a renunciation, the person who is to receive the benefit of the charge may himself become testamentary donee, but if the testator has declared a different intention in his will, such intention shall prevail

Article 1003 In case the value of the subject of a testamentary gift which is subject to a charge is reduced

be relieved of the duty which he has assumed, but if the testator has declared a different intention in his will, such intention shall prevail

Section IV Carrying Wills Into Effect

Article 1004 Upon becoming aware of the opening of the succession the custodian of a testamentary document must without delay present it to the Court of Domestic Relations and apply for probate thereof

In cases where there exists no custodian of the testamentary document, the same shall apply upon the discovery of the document by the successor

The provisions of the preceding paragraph shall not apply to a will made by means of a notarial document

A testamentary document closed up with a seal may not be opened except in Court of Domestic Relations and in the presence of the successors or their representatives.

Article 1005 Any person who neglects to present a testamentary document in accordance with the provi- ... will into ... is a ... be held liable to an administrative penalty of not exceeding two hundred yen.

Article 1006 A testator may designate one or more executors by will or commission a third person to designate them.

A person who has been commissioned to designate executors must without delay effect the designation and give notice thereof to the successors

If a person who has been commissioned to designate executors desires to decline such commission, he must without delay give notice to that effect to the successors.

Article 1007. An executor who has consented to assume office must at once enter upon its duties

Article 1008 Successors or any other person interested may give a peremptory notice to the executor to make a definite answer within a reasonable period fixed by them as to whether he consents to assume office or not If the executor fails to make a definite answer to the successor within such period, he shall be deemed to have consented to assume office

Article 1009 Persons under disability and bankruptcy cannot become executors

Article 1010 If there exists no executor or if no executor remains, the Court of Domestic Relations may appoint one on the application of any person interested

Article 1011 An executor must without delay prepare an inventory of the property succeeded to and hand it over to the successors

If an application is made by the successors, an executor must prepare an inventory in their presence or cause a notary to prepare it

Article 1012 An executor has the right and duty to manage the property succeeded to and to perform all acts necessary for carrying the will into effect

The provisions of Articles 644 to 647 inclusive and 650 shall apply with the necessary modifications to an executor

Article 1013 In cases where there exists an executor, the successors may not in any way dispose of the property succeeded to or do any act which would obstruct the majority, but if the testator has declared a different intention in his will, such intention shall prevail

Notwithstanding the provisions of the preceding paragraph, each executor is entitled to effect acts of preservation

Article 1018 The Court of Domestic Relations may determine the remuneration of an executor having regard to the conditions of the property succeeded to or other circumstances, except, however, when a testator provided the remuneration in his will

shall apply with the necessary modifications in cases ... of an executor have terminated

by

Section V Revocation of Wills

Article 1022 A testator can at any

If no agreement mentioned in the latter part of the preceding paragraph is reached or possible, the Court of Domestic Relations may render decision in place of agreement on application of the father or mother.

The provisions of Article 819, paragraph 6 of the New Code shall apply with the necessary modification to the cases mentioned in any of the latter part of paragraph 1 of the preceding paragraph.

Article 15. An act done or consented to in contravention of the provisions of Article 880 of the Old Code by a mother exercising parental power before the coming into effect of the Law concerning Temporary Measures cannot be avoided.

Article 16. The provisions of Article 21 shall apply with the necessary modifications to a step-father or a step-mother, or a woman who is the wife of the father of an acknowledged child and belongs to the same House as that of the child (*Tekibo*) if such person has been exercising parental power before the coming into force of the Law concerning Temporary Measures.

Article 17. The provisions of Article 894 of the Old Code shall continue to apply to any obligatory right which has arisen, with respect to the management of the property, as between any of the members of family council and a child he is subject to parental power, before the coming into force of the New Code.

Article 18. Even if a mother resigned the management of property of her child according to the old provisions, her resignation shall have effect after the enforcement of the New Code, in cases where guardianship for the child has not been commenced at the time of the coming into force of the New Code.

Article 19. If either a father or mother occupies the position of a guardian in accordance with the provisions of Article 902 of the Old Code, or if there is a guardian appointed in accordance with the provisions of Article 904 of the Old Code at the time of the coming into force of the New Code, the guardian shall not automatically forfeit such position by reason of the coming into force of the New Code. But such person shall forfeit the position mentioned above as a matter of course, if the guardianship terminated as a result of the coming into force of the New Code, or if there exists a legal guardian assuming his office under the New Code.

Article 20. The provisions of the preceding Article shall apply with the necessary modifications to a supervisor of the guardian or to a curator.

Article 21. An act done or consented to in contravention of the provisions of Article 929 of the Old Code by a guardian before the coming into force of the New Code can be avoided in accordance with the Old Code.

Article 22. The provisions of Article 17 shall apply with the necessary modifications to relations between any of the members of a family council on one hand and a ward or a person adjudged incompetent on the other.

Article 23. In respect of discontent with a resolution adopted at a family council before the coming into force of the New Code, the Old Code shall continue to apply.

Even if a judgment annulling a resolution adopted at a family council has become final and conclusive, it is not allowed to vote and pass a resolution at the family council again.

Article 24. The provisions of Article 880 of the New Code shall apply with the necessary modifications to a judgment delivered with respect to support before the coming into force of the new Code.

Article 25. With respect to succession which opened before the coming into force of the Law concerning Temporary Measures, the Old Code shall apply even after the coming into force of the New Code excepting the case mentioned in the second paragraph.

As to cases where a succession to the Headship of a House has been commenced before the coming into force of the Law concerning Temporary Measures and, according to the Old Code, it is necessary to appoint the successor to the headship of a House after the coming into force of the New Code, the New Code shall apply with respect to the succession. But as to cases where such succession has been commenced by reason of annulment or dissolution of marriage with incoming husband or by reason of annulment of adoptive relation, the provisions of Article 28 shall apply with the necessary modification, deeming that succession has not been commenced as yet in respect to property.

Article 26. In cases where a person who is the head of a House at the time of the coming into force of the Law concerning Temporary Measures is one who has entered therein from another House by reason of marriage or of adoption, any of such person's step-children who have originally belonged to the former House shall have the same rights and assume the same liabilities as those of the legitimate children, insofar as concerning succession to be commenced after the coming into force of the New Code.

In cases where succession with respect to a person who was the head of the House mentioned in the preceding paragraph opened after the coming into force of the Law concerning Temporary Measures and before the coming into force of the New Code the step-children mentioned in the preceding paragraph may demand distribution of a part of the property succeeded to from the successor. The provisions of Article 27, paragraph 2 and 3 shall apply with the necessary modifications to those cases.

The provisions of the preceding two paragraphs shall not apply to cases where the person who was the head of a House mentioned in the first paragraph has changed his or her surname by reason of annulment of marriage or of adoption or by reason of divorce or of dissolution of adoptive relation after the coming into force of the Law concerning Temporary Measures.

Article 27. With the exception of the case mentioned in the former sentence of Article 25, paragraph 2, in

ases where succession to the headship of a House by eason of the death of the head thereof opened after the lay of the coming into force of the Constitution of apan, any person who would have become one of the o-successors under the New Code, may demand disribution of a part of the property succeeded to from the uccessor to the headship of the House

In cases where no agreement is reached or possible etween the parties in respect of the distribution of the roperty succeeded to in accordance with the provisions of the preceding paragraph, any of the parties concerned nay apply to the Court of Domestic Relations for measures to take the place of such agreement

But this shall not apply after the elapse of one year rom the day of the coming into force of the New Code

In cases mentioned in the preceding paragraph the Court of Domestic Relations shall determine whether the property be distributed or not and, if it be distributed, the sum of each share and the method of distribution, taking into account the condition of the property succeeded to, the number and financial capacity of the person who is to receive the distribution, the facts as to whether such person has received any distribution of property by an act inter vivos or by a will of the person succeeded to, and all other circumstances

Article 28 If a person who was the head of a House at the time of the coming into force of the Law concerning Temporary Measures changes his or her surname, after the coming into force of the Law concerning Temporary Measures, by reason of annulment of marriage, divorce, annulment or dissolution of adoptive relation, the other spouse or adoptive parents, and in case where there is no such spouse or adoptive parents their successors may, according to the New Code, demand the distribution of a part of the property from such person In this case the provisions of the second and the third paragraphs of the preceding Article shall apply with the necessary modifications

Article 29. If, a presumptive successor to the headship of a House or a successor to an estimate has been disinherited in accordance with the provisions of Article 975, paragraph 1, item 1 or Article 998 of the Old Code, such person shall, for the application of the New Code, be deemed to have been disinherited in accordance with the provisions of Article 892 of the New Code

Article 30 In case succession is to be governed by the New Code pursuant to the provisions mentioned in the former sentence of the second paragraph of Article 25, any dispositions made with respect to the management of an estate in accordance with Article 978 of the Old Code (including the cases where this Article is applicable with the necessary modifications in Article 1000), shall be deemed to have been made in accordance with the provisions of Article 895 of the New Code

Article 31. For the application of the provisions of Article 903 of the New Code, any property which has been donated, before the coming into force of the Law concerning Temporary Measures, for the purpose of establishment of a branch House or re-establishment of an abolished or extinct House, shall be deemed to have been donated as a means of livelihood

Article 32 The provisions of Article 906 and 907 of the New Code shall apply with the necessary modifications to cases where the Old Code applies to succession to estate, *in accordance with the provisions of the first paragraph* of Article 25

Article 33 With respect to a will which before the coming into force of the New Code, has been made in accordance with the provisions of Article 1079 paragraph 1, of the Old Code, but has not been confirmed in compliance with the provisions of the second paragraph of the said Article, the provisions of Article 979, paragraph 2 and 3 of the New Code shall apply with the necessary modifications.

The provisions of the preceding paragraph shall apply also to a will which has been made before the coming into force of the New Code, in the event of distress of a ship belonging to the Navy in accordance with the provisions of Article 1079, paragraph 1 of the Old Code which are applicable in Article 1081 thereof with the necessary modifications, but has not been confirmed in compliance with the provisions of the second paragraph of the aforesaid Article.

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